A handbook of moral theology

Anton Koch

MORAL THEOLOGY
I

A HANDBOOK OF MORAL THEOLOGY

Vol. I. INTRODUCTION: Definition, Scope, Object, Sources, Methods, History, and Literature of Moral Theology.— MORALITY, ITS SUBJECT, NORM, AND OBJECT. iv & 293 pp. $1.50.

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A HANDBOOK OF MORAL THEOLOGY

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VOLUME I

INTRODUCTION

Definition, Scope, Object, Sources, Methods, History, and Literature of Moral Theology

MORALITY, ITS SUBJECT, NORM, AND OBJECT

B. HERDER BOOK CO.
17 SOUTH BROADWAY, ST. LOUIS, MO.
AND
68, GREAT RUSSELL ST., LONDON, W. C.
1918

NIHIL OBSTAT

Sti. Ludovici, die 17 Maji, 1918

F. G. Holweck,
Censor Librorum.

IMPRIMATUR

Sti. Ludovici, die 18 Maji, 1918

✠*Joannes J. Glennon,*
Archiepiscopus
Sti. Ludovici.

Printed in U. S. A.

VAIL-BALLOU COMPANY
BINGHAMTON AND NEW YORK

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Definition, Scope, Object, Sources, Methods, History, and Literature of Moral Theology

CHAPTER I

DEFINITION AND SCOPE OF MORAL THEOLOGY

1. Definition.—Catholic Moral Theology, broadly speaking, is the scientific exposition of the ethical teaching of the Gospel, or, more definitely, that theological discipline which sets forth the laws, rules, and precepts man must know and obey in order to attain his supernatural destiny.

There is a distinction between "moral" and "ethical." "Ethical" is derived from the Greek ἦθος, which means in the singular, *custom, usage, habit;* in the plural (ἤθη), *disposition, temper, character* (Latin, *mores*).[1] Every free act, good or bad, performed by a rational being is "ethical;" but no act is "moral" unless it be ethically good.[2]

1 Cfr. 1 Cor. XV, 33.

2 Cfr. St. Thomas, *Summa Theol.,* 1a 2ae, qu. 58, art. 1 (Jos. Rickaby, S.J., *Aquinas Ethicus,* Vol. I, London 1896, p. 167); *Comment. in Sent.,* III, dist. 23, qu. 1, art. 4. English text-books use "moral" and "ethical" synonymously, as a generic term and then specify morally good and morally bad.

The words "moral" and "immoral" are sometimes used with sole reference to the Sixth Commandment. Their true meaning is much larger. Morality is by no means confined to the sexual sphere. Injustice, for instance, is a far more dangerous form of immorality than transgression of the Sixth Commandment.[3]

2. SCOPE.—In order to give a scientific exposition of the laws that govern human conduct, Moral Theology must first ascertain the conditions under which man's actions will enable him to reach his final destiny, and then draw from Revelation the correct principles for guiding him aright both in private and public life. All the problems of human existence, including those of the social and economic order, have a religious and an ethical bearing, and they can not be completely solved except in the light of Christian justice and charity.[4]

Moral Theology must avoid two extremes:—overemphasizing the ascetic point of view and resolving itself into mere casuistry.

Moral Theology is an independent science with a well-defined scope and object, and it is neither its sole nor its principal aim to train preachers or con-

3 Cfr. Dante's *Inferno,* Canto V; G. Grupp in the *Hist.-polit. Blätter,* Munich, Vol. 138 (1906), p. 650.

4 Cfr. John I, 9; XIV, 6; 1 Cor. X, 31; Col. III, 17.—Cfr. J. Hogan, *Clerical Studies,* Boston 1898, pp. 197 sqq.; (A. Boudinhon, *Les Études du Clergé,* Rome and Paris 1901, pp. 240 sqq.); F. Walter, *Theorie und Praxis in der Moral,* Paderborn 1905; J. Mausbach, *Die kath. Moral, ihre Methoden, Grundsätze und Aufgaben,* 2nd ed., Cologne 1902; A. Meyenberg, *Die kath. Moral,* 2nd ed., Stans 1901; A. Müller, *Ist die kath. Moral reformbedürftig?* Fulda 1902.

fessors.[5] The latter function belongs to casuistry, which is "the study of cases of conscience" with a view "to define the exact limits and frontiers of wrong-doing."[6]

Readings.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia,* Vol. XIV, pp. 601–11.—J. B. Hogan, *Clerical Studies,* Boston 1898, pp. 197 sqq.—Thos. Bouquillon, *Theologia Moralis Fundamentalis,* 3rd ed., Bruges 1903, Introduction.—Thos. Slater, S.J., *A Short History of Moral Theology,* New York 1909, pp. 3 sqq.—A. Krawutzky, *Einleitung in das Studium der kath. Moraltheologie,* 2nd ed., Breslau 1898.—Jos. Rickaby, S.J., *Political and Moral Essays,* London 1902, pp. 197 sqq.—J. Mausbach, *Die katholische Moral, ihre Methoden, Grundsätze und Aufgaben,* 2nd ed., Cologne, 1902.—Idem, *Catholic Moral Teaching and its Antagonists* (tr. by A. M. Buchanan), New York 1914.—J. Bucceroni, S.J., *Commentarius de Natura Theologiae Moralis,* Rome 1910.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., Haaren 1910, pp. 5 sqq.

5 Cfr. H. E. Plassmann, *Die Moral gemäss der Schule des hl. Thomas,* Soest 1861, p. 8; M. Jocham, *Moraltheologie,* Vol. I, Sulzbach 1852, p. 31.

6 Jos. Rickaby, S.J., *Political and Moral Essays,* London 1902, p. 197.

CHAPTER II

MORAL THEOLOGY IN ITS RELATION TO DOGMATIC THEOLOGY

Catholic Moral Theology is essentially theistic, that is, it presupposes belief in God and the freedom of the human will.[1] Without these suppositions there could be neither responsibility nor duty. Deism, Materialism, Pantheism, and such other systems as detach ethics from supernatural Revelation, may evolve the notion of "utility," but they can never arrive at the concepts of "good" and "bad." Lacking a religious basis, these systems have not "the power of God unto salvation to every one that believeth."[2] One who holds that morality is autonomous will occasionally *do* that which is commanded, and

1 On the freedom of the will see M. Maher, S.J., *Psychology*, 4th ed., London 1900, pp. 394 sqq.; IDEM, art. "Free Will" in the *Cath. Encyclopedia*, Vol. VI, pp. 259–263; Pohle-Preuss, *God the Author of Nature and the Supernatural*, 2nd ed., St. Louis 1916, pp. 291 sqq.; R. I. Holaind, S.J., *Natural Law and Legal Practice*, New York 1899, pp. 95–116; V. Cathrein, S.J., *Die kath. Weltanschauung*, 2nd ed., Freiburg 1909, pp. 44 sqq., 76 sqq.; W. G. Ward, *Philosophy of Theism*, London 1884; H. Gründer, S.J., *Free Will, the Greatest of the Seven World-Riddles*, St. Louis 1911; Jos. Rickaby, S.J., *Free-Will and Four English Philosophers*, London 1906. A good historical survey of the free-will controversy in all its phases will be found in Fonsegrive's *Essai sur le Libre Arbitre*, 2nd ed., Paris 1896.

2 Rom. I, 16.

sometimes *avoid* that which is forbidden by the divine law, but not *because* it is commanded or forbidden. An atheist may abstain from murder, or help his neighbor, but being an atheist, he does these things from motives different from those that impel the theist.

As ethics is impossible without metaphysics, so there can be no Moral Theology without dogma. Dogma and Morals are the two great branches of systematic theology (*theologia scholastica*) and together cover the entire domain of Christian belief and practice. Dogmatic Theology furnishes the rule of faith (*regula credendorum*), which in turn determines the rule of conduct (*regula agendorum*). The two sciences may be said to postulate each other because dogma must bear fruit in good works, and Christian morality could not exist if there were no revealed faith.[8]

Though Moral Theology thus stands in a most intimate relation to Dogmatic Theology, the two sciences are separate and independent. For whereas the latter deals with God, His essence, attributes, outward operation, etc., and shows Him to be the sovereign good and source of all created goodness, the former is entirely concerned with directing man to his eternal goal.

8 Cfr. John XVII, 3; Heb. XI, 6; Mark XVI, 16; Matth. VII, 21; Jas. II, 26.

Moral conduct results from the coöperation of three separate and independent factors. Man must first perceive the difference between right and wrong; second, will to do that which is right; and, third, conform his actions to the moral law. "No excess of the æsthetic faculty," says B. Björnson, "can outweigh a moral defect." And Ch. F. Gounod: "An ocean of talent does not equal a single drop of holiness." Moral autonomism, so called, is false and pernicious.[4]

Though the moral teaching of the Catholic Church is drawn from Revelation, it is not without mysteries. There is a mystery of iniquity (*mysterium iniquitatis*) as well as a mystery of faith (*mysterium fidei*).[5] Not all ethical problems can be solved by a short and clean-cut formula.

Readings.—F. Hettinger (tr. by V. Stepka), *Timothy; or Letters to a Young Theologian*, St. Louis 1902, pp. 372 sqq.—V. Cathrein, S.J., *Die kath. Weltanschauung*, 2nd ed., Freiburg 1909. —Ph. Kneib, *Die "Heteronomie" der christlichen Moral*, Vienna 1903.—Idem, *Die "Jenseitsmoral" im Kampfe um ihre Grundlagen*, Freiburg 1906.—J. Mausbach, *Catholic Moral Teaching and its Antagonists*, New York 1914, pp. 3 sqq.—J. B. Hogan, *Clerical Studies*, 2nd ed., Boston 1898, pp. 197 sqq.

4 Cfr. C. Gutberlet, *Ethik und Religion*, Münster 1892, pp. 193 sqq.; V. Cathrein, S.J., *Religion und Moral*, 2nd ed., Freiburg 1904, pp. 70 sqq.; Idem, *Moralphilosophie*, Vol. I, 4th ed., pp. 372 sqq. On the "ethical movement" and the Society for Ethical Culture see the *Cath. Encyclopedia*, Vol. V, p. 561; the *New Schaff-Herzog Encyclopedia of Religious Knowledge*, Vol. IV, pp. 183 sq.; W. L. Sheldon, *An Ethical Movement*, New York 1896; W. R. W. Sullivan, *Morality as a Religion*, New York 1899; H. J. Bridges, *The Ethical Movement, Its Principles and Aims*, 2nd ed., London 1912.

5 Cfr. 1 Tim. III, 9; 2 Thess. II, 7.

CHAPTER III

THE DIFFERENCE BETWEEN CATHOLIC MORAL THEOLOGY AND PROTESTANT ETHICS

1. Catholic Moral Theology is based on the dogmatic teaching of the one true Church. Protestant ethics rests on arbitrary doctrinal assumptions.[1] Hence the fundamental difference between the two sciences. Catholics acknowledge an infallible authority in questions of both dogma and morals, whereas Protestants possess no objective rule for either, but are buffeted to and fro by the winds of subjectivism and error.

Besides these there are other points of difference. Thus Catholics, unlike Protestants, do not regard the Bible as the sole source of knowledge in matters of faith and morals. Nor do they hold that man by the fall of Adam and Eve has lost his freedom, or that God overpowers the will by grace. Catholics regard free-will as an essential condition of morality and hold that man could perform no moral act if he were not free.

1 The dogmatic differences in the systems of Luther, Zwingli, and Calvin may be clearly traced in their moral teaching. Cfr. H. Denifle, O.P., *Luther and Lutherdom*, tr. by R. Volz, Vol. I, Somerset, O., pp. 53 sqq.; C. von Kügelken, *Ethik H. Zwinglis*, Leipsic 1902; P. Lobstein, *Ethik Calvins*, Strassburg 1877.

Furthermore, Catholics do not look upon justification as a wholly subjective and purely internal act, but regard it as an ethical process, conditioned (ordinarily) upon the reception of the Sacraments, either *in re* or *in voto.*

Finally, true liberty, *i. e.,* the "liberty of the children of God" (sanctity), is not the beginning but the end and object of morality and religion.[2] It is not faith in Christ, making sin harmless, but victory over sin and passion, the result of a constant and patient coöperation with grace.[3]

Whoever denies the above-mentioned truths has no foundation upon which to erect a system of moral teaching. Protestant ethics really owes its existence to an inconsistency and in some measure also to the fact that Protestants, consciously or unconsciously, retain many Catholic practices, though they have long ago rejected the principles underlying them.

2. Protestant writers deny or ignore the fundamental distinctions just outlined. They claim that the chief difference between Catholic Moral Theology and Protestant ethics lies in the fact that the former is addicted to a false empiricism, which wrongly distinguishes between mortal and venial sin and between perfect and imperfect con-

2 John VIII, 32; Rom. VIII, 21.

3 Cfr. 2 Cor. III, 17-18.

trition, thereby catering to human frailty and derogating from the spirit of the Gospel.

They furthermore allege that the Catholic Church attributes a magical effect to her Sacraments and regards the process of justification as independent of the disposition of the sinner.

Another favorite accusation is that the Church, harking back to the Old Testament, imposes purely human laws and thereby inculcates a false morality, which, like that of the ancient Pharisees, exaggerates external acts at the expense of character and thus breeds servility and hypocrisy. All this, they declare, is opposed to the Protestant idea of morality, which claims to be drawn from the teaching of St. Paul.

The fourth and last objection against Catholic Moral Theology is that it is dualistic because it makes a distinction between precepts and counsels, and measures religious and seculars by a different rule, discriminating against the latter in favor of the former.

All these charges will be refuted in the course of this treatise. Here let us merely remark that the erroneous notions which so many non-Catholics entertain of the Catholic teaching on perfection, are to a certain extent pardonable in view of the hyperbolic language sometimes employed by Catholic writers in describing the religious state. Perfection is not a matter concerning solely the

select few or attainable by a small minority only. On the contrary, it is within reach of all. There is but one perfection, and that is charity, or the love of God, which manifests itself by obedience to the divine will, *i. e.*, keeping the commandments and doing good. Christian perfection is nothing more or less than a complete and willing observance of the law of God.

Readings.—J. Mausbach, *Catholic Moral Teaching and its Antagonists,* New York 1914, pp. 131 sqq.—P. Höveler, *Harnack und die kath. Aszese,* Düsseldorf 1902.—H. A. Krose, S.J., *Der Einfluss der Konfession auf die Sittlichkeit,* Freiburg 1900.—Ph. Kneib, *Die "Jenseitsmoral" im Kampfe um ihre Grundlagen,* pp. 65 sqq., 79 sqq.—V. Cathrein, S.J., *Die kath. Weltanschauung,* 2nd ed., pp. 441 sqq., 453 sqq.—Hettinger-Stepka, *Timothy; or Letters to a Young Theologian,* pp. 376 sqq.—A. Devine, C.P., art. "Perfection" in the *Catholic Encyclopedia,* Vol. XI, pp. 665 sq.—Idem, *A Manual of Ascetical Theology,* London 1902.

CHAPTER IV

MORAL THEOLOGY IN ITS RELATION TO MORAL PHILOSOPHY

As there is a purely philosophic discipline treating of God (theodicy), so there is a purely philosophic discipline dealing with morality. The latter, among Catholics, is commonly called Ethics.[1]

Ethics and Moral Theology differ from each other in three respects: (1) as to their source, (2) as to their object, and (3) as to their contents.

1. Ethics, or moral philosophy, derives its principles and motives entirely from unaided human reason. Its object is to ascertain what is right and what is wrong, and how man must regulate his conduct to be naturally good and (supposing him in the pure state of nature) how to attain his natural destiny.

1 Rom. I, 19 sqq.; Apoc. XIV, 14–16.—*Conc. Vatic.*, Sess. III, c. 2: "*Eadem sancta mater Ecclesia tenet et docet, Deum, rerum omnium principium et finem, naturali humanae rationis lumine e rebus creatis certo cognosci posse.*"—*Can. de Rev.*, 1: "*Si quis dixerit, Deum unum et verum, Creatorem et Dominum nostrum, per ea quae facta sunt, naturali rationis humanae lumine certo cognosci non posse, anathema sit.*"—Cfr. Pohle-Preuss, *God: His Knowability, Essence, and Attributes*, 2nd ed., St. Louis 1914, pp. 15 sqq; Th. H. Simar, *Theologie des hl. Paulus*, 2nd ed., Freiburg 1883, pp. 75 sqq.

2. Moral Theology, on the other hand, draws its precepts and proofs from Revelation and from reason enlightened by supernatural faith. It takes for granted that man is no longer in the pure state of nature, but regards him as a rational creature raised to the supernatural order, and shows how he must regulate his conduct in order to attain his supernatural end.

Hence Moral Theology is more perfect than Ethics. Its superiority may be further seen from the fact that it inculcates its principles with absolute clearness and certainty [2] and furnishes supernatural motives (fear, hope, charity) and supernatural aids (the example of Christ and the saints, the Sacraments, etc.) to a moral life. History shows that, with proper coöperation on the part of man, Catholic moral teaching is able to produce saints.

3. Despite the essential differences existing between the two sciences, Ethics is a valuable help to Moral Theology, for the reason that faith presupposes natural intelligence. Thus Moral Theology may be said to comprise within its scope natural Ethics, and to derive from it its scientific substructure, while on the other hand Ethics possesses in Moral Theology an unfailing loadstar.

[2] John XIV, 6; Matth. V, 17–44: Ἐγὼ δὲ λέγω ὑμῖν.—Cfr. Grasset, *Morale Scientifique et Morale Évangélique*, Paris 1909, pp. 7 sqq.

It would be wrong to assert that there is no morality outside the Christian religion. The Church has repeatedly and formally condemned the proposition that the virtues of the heathen are but glittering vices.[3] Moreover, pagan philosophy has exercised an undeniable influence on Christian moralists.[4]

Pagan Ethics as such, however, is very imperfect. It misconceives man's relation to his Creator and thereby robs the concept of morality of its prime constituent. Though the science of ethics attained to a high stage of development among the heathen philosophers of antiquity, it never succeeded in stripping off its innate egotism. The true idea of humanity and the great Christian motive of charity remained entirely outside its ken.

A non-Catholic writer who has made a special study of the ethical teaching of the Greeks and Romans outlines its leading characteristics as follows: "It never entered into the pagan concept of humanity to show mercy, much less love, to an enemy. This virtue is not a postulate of human nature or of natural reason. Even

3 *Prop. Baii Damnat.*, prop. 25; *Prop. Damnat. ab Alexandro VIII*, prop. 8; *Prop. Damnat. Quesnelli*, prop. 42, 48 (Denzinger, *Enchiridion Symbolorum, Definitionum et Declarationum de Rebus Fidei et Morum*, 10th ed., by Fr. Clement Bannwart, S.J., n. 1025, 1298, 1392, 1398); *Conc. Trid.*, Sess. VI, can. 7; Pohle-Preuss, *Grace, Actual and Habitual*, 2nd ed., St. Louis 1917, pp. 179 sqq.

4 Cfr. F. Hasler, *Über das Verhältnis der heidnischen und christlichen Ethik*, Munich 1866; W. Redepenning, *Der Einfluss des Aristoteles auf die Moral des hl. Thomas von Aquin*, Goslar 1875; C. Merk, *Klemens Alexandrinus in seiner Abhängigkeit von der griechischen Philosophie*, Leipsic 1879; E. de Faye, *Clément d'Alexandrie, Etude sur les Rapports du Christianisme et de la Philosophie Grecque au IIe Siècle*, Paris 1898; B. Barthel, *Über die Benutzung der Schriften Ciceros durch Laktanz*, Strehlen 1903; P. Ewald, *Einfluss der stoisch-ciceronianischen Moral auf die Darstellung der Ethik bei Ambrosius*, Leipsic 1881; R. Thamin, *S. Ambroise et la Morale Chrétienne au IVe Siècle*, Paris 1895; Ph. Schmidt, *Ambrosius und die Stoa*, Göttingen 1897; Th. Zielinski, *Cicero im Wandel der Jahrhunderte*, 2nd ed., Leipsic 1908.

among Christians it is not practiced as universally as one might be inclined to expect especially of those who would establish amicable relations between Christianity on the one hand and human nature and civilization on the other. . . . To love one's enemies is a supernatural virtue, found only among those who clearly perceive that Christianity requires its followers to sacrifice to God even the natural sentiments of the heart,—in other words, that it imposes regeneration and sanctification. I must admit that I have in mind particularly the saints of the Catholic Church. The noble and humane practice of treating wounded enemies with kindness, which flourishes among the Christian nations of modern times, is quite a different thing. Men as a rule feel no personal grudge against individual members of an enemy nation, and if one of them is hurt, they naturally sympathize with him. The humanity of the ancients scarcely went beyond the feelings of natural sympathy and antipathy. Cicero finds it quite in conformity with natural ethics to hate one's fellow-men heartily (*libenter*), and says it is impossible to serve all.[5] Yet it is precisely this that Christianity demands for the sake of God and as a supernatural duty. Tacitus regarded it as an honor to have many enemies.[6] True, the pagan philosophers distinguish between a mere difference of opinion (*opinionum dissensio*) and a quarrel (*animorum contentio*),[7] and hold that the former should never degenerate into the latter. Cicero plumes himself upon the fact that he and Pompey did not allow their political differences to disturb their friendship.[8] But where real enmity existed, the average pagan took no pains to conceal the pleasure he derived from his enemy's discomfiture.

5 *Ad Attic.*, XIII, 49, 2.

6 *Dial.*, 40: "*Ipsa inimicitiarum gloria.*"

7 Cicero, *Ad Famil.*, II, 13, 2.

8 *Phil.*, II, 38.

. . . Cursing an enemy and wishing him evil, was quite common. . . . Christianity exercised a strong influence against slavery, which it opposed in principle, though out of regard for existing conditions and the lot of the unfortunate slaves themselves, the Church discountenanced revolutionary measures." [9]

If we wish to draw a fair comparison between pagan ethics and the moral teaching of Christianity, we must not detach single propositions from their context but weigh system against system. Doing so we shall find that the latter far surpasses the former.[10] "What ancient Greek culture did for the intellect," says Houston Stewart Chamberlain, "Christ did for the moral life; it was from Him that humanity first received moral power." [11] "To profit by suffering," writes Bishop Keppler, "was the highest stage attained by ancient philosophy; the religion of the cross teaches us to practice charity while we suffer and to make our suffering productive of charity." [12] Christianity, as even Protestants admit, was the first to recognize the importance and value of personality;

9 M. Schneidewin, *Die antike Humanität*, Berlin 1897, pp. 202 sq., 209. Cfr. M. Waldmann, *Die Feindesliebe in der antiken Welt und im Christentum*, Vienna 1902; S. Randlinger, *Die Feindesliebe nach dem natürlichen und positiven Sittengesetz*, Paderborn 1906, pp. 22 sqq., 101 sqq.; F. Steinmüller, *Die Feindesliebe*, Ratisbon 1909, pp. 17 sqq. —On the attitude of the Church towards slavery see C. S. Devas, *The Key to the World's Progress, Being an Essay on Historical Logic*, London 1906, pp. 143 sqq.

10 Cfr. H. Kellner, *Hellenismus und Christentum*, Cologne 1866; A. Chollet, *La Morale Stoïcienne en Face de la Morale Chrétienne*, Paris 1889, pp. 43 sqq., 59 sqq.; A. Bonhöffer, *Epiktet und die Stoa*, Stuttgart 1890; A. Dyroff, *Die Ethik der alten Stoa*, Berlin 1897, pp. 327 sqq.; M. Baumgarten, *L. A. Seneca und das Christentum*, Rostock 1895; Th. Zahn, *Der Stoiker Epiktet und sein Verhältnis zum Christentum*, 2nd ed., Erlangen 1895; K. Jentsch, *Hellenentum und Christentum*, Leipsic 1903; L. E. M. Bautain, *La Morale de l'Évangile*, Paris 1855; Germ. tr. by J. M. Gaisser, *Die Moral des Evangeliums*, Tübingen 1856, pp. 349 sqq., 377 sqq.

11 *Die Grundlagen des 19. Jahrhunderts*, Vol. I, 4th ed., Munich 1903, p. 207.

12 P. von Keppler, *Das Problem des Leidens in der Moral*, 2nd ed., Freiburg 1904, p. 26.

the philosophers of ancient times did not even know the term and hence were unable to appreciate its ethical bearing.[18]

Readings.—Jos. Rickaby, S.J., *Moral Philosophy, or Ethics and Natural Law,* London 1908.—Chas. Coppens, S.J., *A Brief Text-Book of Moral Philosophy,* New York 1895.—V. Cathrein, S.J., in the *Catholic Encyclopedia,* Vol. V, pp. 556 sqq.—J. L. Perrier, *The Revival of Scholastic Philosophy,* New York 1909, pp. 136 sqq.—Th. Meyer, S.J., *Institutiones Iuris Naturalis,* Vol. I, 2nd ed., Freiburg 1906; Vol. II, 1900.—A. Castelein, S.J., *Institutiones Philosophiae Moralis et Socialis,* Bruxelles 1899.—L. du Roussaux, *Éthique,* Bruxelles 1890—M. Cronin, *The Science of Ethics,* Vol. I, Dublin 1909, especially pp. 13 sq.

The Catholic idea of the value of personality is beautifully explained by F. Sawicki, *Wert und Würde der Persönlichkeit im Christentum,* Cologne 1906, especially pp. 13 sqq. and 35 sqq.

18 Cfr. G. Wobbermin, *Der christliche Gottesglaube in seinem Verhältnis zur heutigen Philosophie,* Berlin 1902, p. 80; 2nd ed., 1907, pp. 130 sq. Wobbermin is a Protestant.

CHAPTER V

THE OBJECT OF CATHOLIC MORAL THEOLOGY

According to the dogmatic teaching of the Church, the final end and object of moral conduct is man's eternal happiness in Heaven (*beatitudo*).[1] Basing its teaching on Sacred Scripture,[2] the Council of Trent declares that man is free to do good *propter retributionem, i. e.*, for the sake of gaining a reward.[3] But may he do good to be happy?

The Catholic Church has been accused of Eudæmonism or Hedonism for answering this question in the affirmative. We are told that the de-

1 Cfr. St. Augustine, *Confessiones*, l. X, c. 22: "*Ipsa est beata vita gaudere de te, ad te, propter te; ipsa est et non est altera. Qui autem aliam putant esse, aliud sectantur gaudium neque ipsum verum. Ab aliqua tamen imagine gaudii voluntas eorum non avertitur.*"—*Ibid.*, c. 23, n. 33: "*Beata quippe vita est gaudium de veritate. Hoc est enim gaudium de te, qui veritas es.*"—*Ibid.*, n. 34: "*Beata vita, quae non est nisi gaudium de veritate.*" (Migne, *P. L.*, XXXII, 793).—St. Ignatius Loyola says: "*Creatus est homo ad hunc finem, ut Dominum Deum suum laudet, revereatur eique serviens tandem salvus fiat.*" (*Lib. Exercit.*).—Cfr. E. Janvier, *Exposition de la Morale Catholique*, Vol. I, Paris 1904, pp. 45 sqq.

2 Ps. CXVIII, 112 (Vulg.): "*Inclinavi cor meum ad faciendas iustificationes tuas in aeternum propter retributionem.*" (Cfr. G. Hoberg, *Die Psalmen der Vulgata*, Freiburg 1892, p. 351).—Heb. XI, 26: "ἀπέβλεπεν γὰρ (Μωυσῆς) εἰς τὴν μισθαποδοσίαν (*in remunerationem.*)"

3 *Conc. Trid.*, Sess. VI, c. 11.—On man's true happiness see St. Thomas, *Summa Theol.*, 1a 2ae, qu. 1 sqq.; V. Cathrein, S.J., *Moralphilosophie*, Vol. I, pp. 81 sqq.; M. Cronin, *The Science of Ethics*, Vol. I, Dublin 1909, pp. 78 sqq.; Jos. Rickaby, S.J., *Moral Philosophy*, London 1908, pp. 6 sqq.

sire for happiness is a mean motive, incompatible with the idea of perfect morality.

1. The Stoics and the followers of Kant[4] assert that any system of ethics that commands men to do good, not because it is a duty, but in order to obtain a reward, is egoistic and unworthy of a true philosopher. This is a very plausible objection, yet it has absolutely no basis in fact. Those who raise it misunderstand human nature. Man is so constituted that he cannot truly desire anything which does not afford him interior satisfaction. Whatever he may do or omit, he is in a certain sense always seeking his own happiness. Even the wicked sin to be happy.[5] When a man

4 On Kant's ethical teaching see K. Fischer, *Geschichte der Philosophie*, Vol. IV, 3rd ed., Munich 1882; Jos. Rickaby, S.J., *Moral Philosophy*, pp. 115–119, London 1908; Wm. Turner, *History of Philosophy*, pp. 540 sqq., Boston 1903.—For a refutation of Kant see C. Didio, *Die moderne Moral und ihre Grundprinzipien*, Freiburg 1896, pp. 64 sqq.; Ph. Kneib, *Die "Lohnsucht" der christlichen Moral*, Vienna 1904, pp. 7 sqq.; Idem, *Die "Jenseitsmoral,"* pp. 6 sq. and 109 sqq.; Schneider, *Göttliche Weltordnung*, 2nd ed., pp. 517 sqq.—On Eudaemonism cfr. F. J. Stein, *Historisch-kritische Darstellung der pathologischen Moralprinzipien*, 2nd ed., Würzburg 1879, pp. 55 sqq.; J. Holtzmann, *Moderne Sittlichkeitstheorien und christliches Lebensideal*, Strassburg 1907; *Cath. Encyclopedia*, Vol. I, pp. 369 sq.; Vol. VI, p. 640; Vol. VII, p. 132.

5 St. Augustine, *Serm. in Ps.*, CXVIII, 1, n. 1: *"Beatitudinem, quam nemo est qui non expetat. Quis enim unquam vel potest vel potuit vel poterit inveniri, qui nolit esse beatus? . . . Beatum quippe esse tam magnum est bonum, ut hoc et boni velint et mali. Nec mirum est quod boni propterea sunt boni, sed illud est mirum, quod etiam mali propterea sunt mali, ut sint beati. Nam quisquis libidinibus deditus luxuriâ stuprisque corrumpitur, in hoc malo beatitudinem quaerit et se miserum putat, quum ad suae concupiscentiae voluptatem laetitiamque non pervenit, beatum vero non dubitat iactare quum pervenit. Et quisquis avaritiae facibus inardescit, ad hoc congregat quocunque modo divitias, ut beatus sit, . . . in omnibus sceleribus beatitudinem quaerit."* (*Migne, P. L.*, XXXVII, 1501 sq.) Idem, Serm. in Ps., CL, c. 3, n. 4: *"Nam et qui bonus est, ideo bonus*

desires something for others, he does not desire it purely for their sake, but partly also because the desired object has some value for himself. In this sense the desire for happiness and egoism are necessary constituents of every human act. A wholly unselfish act of the will, *i. e.*, one in no way related to the personal satisfaction or happiness of the agent, is impossible. Even the so-called unselfish love that causes men to make sacrifices for others or for the sake of ideals, is not entirely free from "selfishness," because when man makes a sacrifice, he does it for his own satisfaction as well as for the sake of others.

Moreover, man's will and destiny are inseparable from his nature because it is of the very essence of the will to desire and tend towards beatitude, which, being "a state made perfect by the aggregate sum of all things good," [6] is identical with God as the sovereign good and source of all goodness. Now if God and eternal happiness are synonymous terms, it is perfectly consistent to be good in order to attain eternal happiness, and there is no sense in inculcating "pure"

est, ut beatus sit; et qui malus est, malus non esset, nisi inde se beatum esse posse speraret" (*ibid.*, XXXVIII, 809).—Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 29, art. 4.

6 "*Status omnium bonorum aggregatione perfectus*" (Boëthius).—St. Thomas, *Summa c. Gent.*, l. II, c. 48, n. 3; Idem, *Summa Theol.*, 1a, qu. 26, art. 1, ad 1; 1a 2ae, qu. 3, art. 2, ad 2.—Cfr. Pohle-Preuss, *God, the Author of Nature and the Supernatural*, 2nd ed., St. Louis 1916, pp. 190 sqq.; *God: His Knowability, Essence, and Attributes*, pp. 93 sqq.

duties, *i.e.*, such as abstract entirely from the motive of self-love. Therefore, whilst we do not deny that Catholic moral teaching, like every other rational system of ethics, contains a eudæmonistic element, nay even a strain of "egoism," [7] we must insist that this admixture is justifiable and supplies a most effective antidote against precisely that false egotism which our enemies charge against us, inasmuch as it emphasizes true charity (love of God and neighbor).[8] We claim that the moral teaching of Christ effectively reconciles and combines altruism with egoism.

2. Certain Quietists and pseudo-mystics denounced the habit of doing good for the sake of obtaining an eternal reward as at best an imperfect virtue, and demanded an absolutely unselfish and disinterested love (*amour désinteressé*), which expects no reward and would even surrender its claim to eternal beatitude if God so willed. This is construing an imaginary opposition between God as the highest, and eternal happiness as a merely secondary good.[9]

Such teaching is philosophically untenable and opposed to Revelation. Sacred Scripture again

7 Cfr. S. Huber, *Die Glückseligkeitslehre des Aristoteles und des hl. Thomas von Aquin*, Freising 1893; C. Gutberlet, *Ethik und Religion*, pp. 158 sqq.; C. Didio, *Die moderne Moral*, Freiburg 1896, pp. 21 sqq.; B. Peters, *Die christlichen Begriffe der Sittlichkeit und Seligkeit*, Münster 1902.

8 Cfr. Matth. XXII, 37–39.

9 Cfr. Pohle-Preuss, *The Sacraments*, Vol. III, St. Louis 1917, pp. 136 sq.; H. Heppe, *Geschichte der quietistischen Mystik*, Berlin 1875; E. A. Pace in the *Cath. Encyclopedia*, Vol. XII, pp. 608 sqq.

and again exhorts men to strive for eternal happiness and promises the joys of Heaven as a reward for obeying the law of God.[10]

If God did not reward virtue, He would be unjust, the moral order would hang in the air, and the so-called moral law would be nothing but the fiat of an absolutistic tyrant, and consequently immoral.

The alleged distinction between beatitude as the enjoyment of God and beatitude as a created entity separable from Him, has no basis in fact. Catholic theologians, it is true, often speak of heavenly joys and pleasures; but these are mere accidents. The essence of eternal beatitude consists in the possession of God. "I am thy . . . reward exceeding great."[11]

Therefore the object of morality, and consequently of Moral Theology, is man's perfection and eternal happiness. He is destined to be intimately united to God, without however surrendering his personality or individuality.[12]

Fenélon's so-called *amour désinteressé* is contrary to the teaching of the Fathers. Listen, for instance, to St. Bernard's description of the successive stages through which the soul passes on her way from inordinate self-love to pure charity:

10 Cfr. Matth. V, 12, 46; X, 41 sq.; Luke VI, 23, 32–35.

11 Gen. XV, 1.—Cfr. *Prop. Damnat. Mich. de Molinos,* prop. 7, 12, 13 (Denzinger-Bannwart, n. 1227, 1232 sq.); Innocent XII's Brief *"Quum alias,"* of March 12, 1699 (*ibid.*, n. 1327 sqq.)

12 Cfr. Gal. II, 20.

"At first man loves himself for his own sake, for he is carnal-minded and takes pleasure in nothing but himself. When he perceives that he cannot exist by and through himself, he begins to seek and love God as indispensable to his own existence. In this second stage he loves God, but for his own sake, not God's. When, however, impelled by his own need, he has begun to honor God and to occupy his mind with Him in meditation, reading, prayer, and obedience, he gradually learns to know Him better and loves Him more ardently. And when he has tasted how sweet the Lord is, he enters upon the third stage of charity, *i. e.*, he loves God no longer for his own sake, but for God's sake. In this stage he presumably remains, and I do not know whether any man ever attains the fourth stage, in which God is loved *solely* for *His* sake. Let those who have experience tell us about it; I for one regard this stage as unattainable [here below], though it will undoubtedly be the portion of the good and faithful servant when he enters into the joy of the Lord and becomes inebriated with the fulness of the house of God." [18]

Readings.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 1–5.—J. L. Perrier, *The Revival of Scholastic Philosophy in the Nineteenth Century*, New York 1909, pp. 138 sqq.—M. F. Dinneen, art. "Good, The highest," in the *Catholic Encyclopedia*, Vol. VI, pp. 640 sqq.—M. Maher, S.J., art. "Happiness," *ibid.*, Vol. VII, pp. 131 sqq.—M. Cronin, *The Science of Ethics*, Vol. I, Dublin 1909, pp. 245 sqq.—C. Gutberlet, *Ethik und Naturrecht*, 3rd ed., Münster 1901, pp. 3 sqq.—V. Cathrein, S.J., *Moralphilosophie*, Vol. I, 4th ed., pp. 81 sqq., 89 sqq.—Chr. Pesch, S.J., *Praelectiones Dogmaticae*, Vol. III, 3rd ed., pp. 232 sqq.

18 *Epist.*, XI, n. 8; *De Diligendo Deo*, c. 15, n. 39 (Migne, *P. L.*, CLXXXII, 113, 998).—Cfr. J. Ries, *Das geistliche Leben in seinen Entwicklungsstufen*, Freiburg 1906, pp. 170 sqq.

CHAPTER VI

INDIVIDUAL VS. SOCIAL ETHICS

The human race is an organic whole, and each member shares in the responsibility for all. Each forms part of the whole; no one stands alone. If we regard man as an individual and then the human race as a whole, we obtain a clear-cut division of moral science. Individual ethics considers man in his personal determinations, without regard to the society to which he belongs. There is a school of writers who maintain that man is responsible for himself alone and that the highest aim of morality is to perfect the individual by detaching him as much as possible from society and the companionship of his fellowmen. This theory is sometimes called Spiritualistic Pessimism. Opposed to it is another extreme, which sees in man merely a member of society, whose sole and sovereign purpose is to sacrifice himself for the race. This theory is known by the name of Altruism or Social Eudæmonism.[1]

1 *"Vivre pour autrui."*—On Altruism see T. Brosnahan, S.J., in the *Cath. Encyclopedia,* Vol. I, pp. 369 sq.; Caird, *The Social Philosophy of Comte,* Glasgow 1885; Costa-Rosetti, *Philosophia Moralis,* thes. 99; John F. Ming, S.J., *The Data of Modern Ethics Examined,* New York 1904.

The New Testament assigns a more important place to individual than to social ethics, as it considers man chiefly as the possessor of an immortal soul, which belongs to God, because it is His gift.[2] But social ethics also has a place in the Gospels.[3] The way in which the two are combined by the inspired writers shows that they belong together and neither should be exaggerated at the expense of the other.

This combination of individual with social ethics corresponds perfectly to man's twofold position in the world. Every man has a distinct vocation and must work out his own salvation; not, however, alone but as a member of, and in connection with, society and the Church.[4] Hence extreme Individualism is unjustifiable. On the other hand, no man can be a useful member of society unless he is trained to obey the laws of morality. Besides, the final end and purpose of society consists in the moral perfection

2 Matth. X, 28; XVI, 26; Luke X, 41 sq.; John XII, 25; 1 Cor. IX, 27; XIII, 1-3.

3 Cfr. Matth. V, 44 sqq.; XIX, 19; XXII, 39; Rom. XIII, 9; 1 Cor. X, 24; Gal. V, 13 sq.; VI, 2; Phil. II, 4.—Cfr. St. Augustine, *Serm. in Ps.*, XCIX, n. 7: "*Servum te caritas faciat, quia liberum te veritas fecit.*" (Migne, *P. L.*, XXXVII, 1275).

4 Cfr. Rom. XV, 1-3; 1 Cor. XII, 12 sq.—St. Augustine, *De Civ. Dei*, IV, c. 3: "*Singulus quisque homo, ut in sermone una litera, ita quasi elementum est civitatis et regni quantalibet terrarum occupatione latissimi.*" (Migne, *P. L.*, XLI, 114).—St. Thomas, *De Regimine Princip.*, I, c. 1: "*Naturale est homini, ut sit animal sociale et politicum, in multitudine vivens.*"—Seneca, *De Vita Beata*, c. 30: "*Qui se deteriorem facit, non sibi tantummodo nocet, sed etiam omnibus eis, quibus melior factus prodesse potuerit.*"—Idem, *De Benefic.*, V, c. 19: "*Nullum beneficium est, cuius commodum non et proximos tangat, nonnunquam etiam longius positos.*"

of its members. Hence a one-sided ethical Socialism would be as untenable as exaggerated individualism. The truth lies between the two extremes. Individual must be combined with social ethics.[5] *"Ora et labora"* is a fundamental maxim of the Christian life.

READINGS.—M. Cronin, *The Science of Ethics*, Vol. I, Dublin 1909, pp. 11 sqq.—H. Klein, *Individual- und Sozialethik*, Bern 1904. —A. Dorner, *Individuale und soziale Ethik*, Berlin 1906, pp. 75 sqq., 128 sqq.—P. Gaultier, *L'Idéal Moderne*, Paris 1908, pp. 76 sqq. —R. I. Holaind, S.J., *Natural Law and Legal Practice*, New York 1899, pp. 171 sqq.—V. Cathrein, S.J., in the *Catholic Encyclopedia*, Vol. V, pp. 563 sqq.—Th. Slater, S.J., *Questions of Moral Theology*, New York 1915, pp. 191 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., Haaren 1910, pp. 16 sqq.

5 Cfr. Th. Sommerlad, *Das Wirtschaftsprogramm der Kirche im Mittelalter*, Leipsic 1903, pp. 7 sq.

CHAPTER VII

THE SOURCES OF MORAL THEOLOGY

The sources from which Moral Theology draws its data and maxims are two—reason and Revelation.

I. Reason.—Reason is the depositary of what we may call natural Revelation, *i. e.*, the moral law of nature.[1] Though impaired by sin, reason is able to form moral concepts.

To act in accordance with the dictates of reason is moral (morally good); to act against those dictates is immoral (morally bad).

It is necessary, however, to test in the light of supernatural Revelation the moral concepts furnished by reason. In adapting these concepts to the teaching of Revelation, reason again plays an indispensable part,[2] in so far, namely, as it is

1 Cfr. Rom. II, 14 sq.—F. X. Linsenmann, *Lehrbuch der Moraltheologie*, Freiburg 1904, pp. 28 sq.; Chr. Pesch, S.J., *Praelectiones Dogmaticae*, Vol. I, 4th ed., p. 407.

2 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 19, art. 3 and 4; qu. 90, art. 1: *"Regula et mensura actuum humanorum est ratio, quae est primum principium actuum humanorum. Rationis enim est, ordinare ad finem, qui est primum principium in agendis."* This passage is sufficient to disprove the oft-repeated charge that the Scholastics deduce morality from "the revealed will of God, which is incomprehensible." (Cfr. C. Lühr, *Ist eine religionslose Moral möglich?* Berlin 1899, p. 26).—St. Thomas clearly admits that reason is the rule of morality, though, of course, he means *that* reason which, in its last analysis, is "the divine Intellect manifesting itself in us."—Cfr. Cicero, *De Officiis*, I, 28, 100: *"Naturam si sequemur, nunquam aberrabimus."*

a necessary condition of Revelation and of the positive divine law.[3]

Reason is the first and principal source of human knowledge, not in the ontological, but in the logical order. Unless man uses his reason properly, he cannot receive revealed truths or make an act of faith in God.

Nevertheless experience teaches that in most matters pertaining to salvation faith precedes reason and prepares it for the light of Revelation.

II. REVELATION.—The second source of Moral Theology is supernatural Revelation, as contained in the writings of the Old and New Testaments and in the oral tradition of the Church (*traditio ecclesiastica*).[4]

3 Cfr. St. Thomas, *De Veritate*, qu. 14, art. 9, ad 8; *Summa Theol.*, 2a 2ae, qu. 1, art. 4, ad 2; *Conc. Vatic.*, Sess. III, c. 3 and 4; St. Augustine, *Epist.*, 120, n. 3: "*Absit, inquam, ut ideo credamus, ne rationem accipiamus sive quaeramus: quum etiam credere non possemus, nisi rationales animas haberemus. Ut ergo in quibusdam rebus ad doctrinam salutarem pertinentibus, quas ratione nondum percipere valemus, sed aliquando valebimus, fides praecedat rationem, quâ cor mundetur, ut magnae rationis capiat et perferat lucem, hoc utique rationis est.*" (Migne, *P. L.*, XXXIII, 453); IDEM, *De Ord.*, II, n. 16, 26 (*P. L.*, XXXII, 1002).

4 Cfr. *Conc. Trident.*, Sess. IV, *Decr. de Canon. Script.*: "*Perspiciensque* [*s. synodus*] *hanc veritatem* (the dogmas of the faith) *et disciplinam* (moral teaching) *contineri in libris scriptis et sine scripto traditionibus, quae ipsius Christi ore ab Apostolis acceptae aut ab ipsis Apostolis Spiritu Sancto dictante quasi per manus traditae ad nos usque pervenerunt, orthodoxorum Patrum exempla secuta, omnes libros tam Veteris quam Novi Testamenti, quum utriusque unus Deus sit auctor, nec non traditiones ipsas, tum ad fidem, tum ad mores pertinentes, tamquam vel oretenus a Christo, vel a Spiritu Sancto dictatas et continuâ successione in ecclesia catholica conservatas, pari pietatis affectu ac reverentiâ suscipit et veneratur.*" (*Conc. Vatic., Const. dogm. de fide cath.*, c. 2); St. Augustine, *Contr. Epist. Manich. Fund.*, c. 5, n. 6: "*Ego evangelio non crederem,*

1. The Sacred Scriptures of both Testaments are called immediate divine sources of Moral Theology because they embody God's supernatural Revelation to mankind and the manifestation of His will. "What things soever were written, were written for our learning: that through patience and the comfort of the Scriptures, we might have hope." [5]

a) The Old Testament contains many moral precepts and examples. It is true these precepts and examples are far inferior to the ideal set up by the Gospel, nay some of them even fall short of the postulates of unaided reason.[6] Nevertheless they deserve careful study. In order to be able to estimate the moral teaching of the Old Testament at its true value, however, we must first consider the general character of the Ancient Covenant, and, secondly, distinguish between universally valid laws on the one hand, and, on the other, mere personal opinions and such precepts as owe their origin to the peculiar ethos of the Chosen People. Christ Himself clearly indicated the true relation of the moral teaching of the Old to that of the New Testament.[7]

nisi me catholicae ecclesiae commoveret auctoritas." (Migne, *P. L.*, XLII, 176).

5 Rom. XV, 4.—Cfr. Leo XIII, Encyclical *"Providentissimus Deus,"* of Nov. 18, 1893 (English tr. in H. Pope, O.P., *The Catholic Student's "Aids" to the Bible,* London 1913, pp. xi–xl).—H. Höpfl, *Das Buch der Bücher,* Freiburg 1904, pp. 190 sqq.

6 Cfr. St. Augustine, *Contra Gaudent.,* I, c. 31, n. 37 (Migne, *P. L.*, XLIII, 729); Idem, *Epist.,* 204, n. 7 (*P. L.*, XXXIII, 941); St. Thomas, *Summa Theol.,* 2a 2ae, qu. 110, art. 3, ad 3.

7 Matth. V, 21–28, 31–45; cfr.

b) While the New Testament infinitely transcends the Old in its ethical teaching, it does not contain a complete code of morality, but merely points out certain fundamental truths, which, as Christ Himself declared, are to be interpreted spiritually rather than literally.[8] These truths are for the most part couched in parables and proverbs, which, though picturesque and impressive, are quite often indefinite. Even the life of our Saviour—the highest ideal of morality set up for our imitation [9]—cannot always be followed literally.[10]

2. Ecclesiastical Tradition is the third source of Moral Theology. The Church, through her teaching office, preserves and interprets both the natural and the divine laws, and issues precepts and decisions of her own, some positive, some negative,[11] applying the principles of morality

1 Tim. I, 8–10.—Cfr. J. B. Hirscher, *Die christliche Moral*, Vol. I, 5th ed., Tübingen 1851, pp. 20 sqq.

8 Matth. V, 29, 39; XIX, 29; John XVIII, 22; 1 Cor. VI, 12.—St. Jerome says (*In Galat.*, I, 11, 12): *"Nec putemus in verbis scripturae esse evangelium, sed in sensu; non in superficie, sed in medulla; non in sermonum foliis, sed in radice orationis."* (Migne, *P. L.*, XXVI, 322).—Cfr. Kneib, *Die "Jenseitsmoral,"* pp. 213 sqq.

9 Matth. XI, 29; John XIII, 15; Rom. VIII, 29; Phil. II, 5; 2 Pet. II, 21.

10 A good many things recorded in the lives of the saints are mere eccentricities; see E. Lucius, *Das mönchische Leben*, pp. 145 sq., 152 sq., 154, and O. Zöckler, *Aszese und Mönchtum*, 2nd ed., 2 vols., Frankfort 1897.

11 The negative precepts of the Church usually take the form of *propositiones damnatae*. — Collections of the more important theses officially condemned at various times have been made by Denzinger in his *Enchiridion Symbolorum*, already referred to, and by D. Viva, S.J., *Damnatae Theses . . . ad Theologicam Trutinam Revocatae*, 3 vols., Naples 1708. Cfr. J. Bucceroni, *Enchiridion Morale*, 4th ed., Rome 1905; Aug. Rohling, *Medulla Theol. Mor.*, St. Louis 1875, pp. 473 sqq.

and enforcing external obedience to the law (*e. g.*, the sanctification of the Lord's Day, the discipline of Penance, matrimonial impediments, etc.)

Such disciplinary ordinances, in contradistinction to universal laws, often have only a temporal or local importance.[12]

Needless to add, the Apostolic traditions handed down from the early days of the Church excel in dignity all later ecclesiastical precepts, and general laws are of greater weight than purely local ordinances.

3. Another important source of Moral Theology is found in the lives of the saints, which reflect the Christian ideal more or less perfectly.[13] However, not everything the saints have done, or are alleged to have done, is so exemplary that we may take it for our guidance. Rather must we apply to them the rule given by St. Augustine in regard to certain Biblical characters—"We should not imitate everything we read about these holy persons." [14] St. Francis de Sales observes that

12 Cfr. Benedict XIV, *De Synodo Dioecesana*, X, 8, 1: *"Disciplina varia est pro locorum et temporum ratione, ac fieri potest, ut aliqua constitutio, licet plerisque orbis christiani dioecesibus utilis, alicui tamen provinciae aut peculiari dioecesi minus opportuna dignoscatur."*—*Ibid.*, V, 3, 8: *"Mutantur in dies hominum mores, mutantur rerum circumstantiae, et quod uno tempore utile erat, postea inutile et quandoque perniciosum evadit."*

13 Cfr. St. Ambrose, *De Ioseph Patr.*, c. 1, n. 1: *"Sanctorum vita caeteris norma vivendi est."*—*Ibid.*, n. 4: *". . . et cognoscamus illos non naturae praestantioris, sed observationis, nec vitia nescisse, sed emendasse."* (Migne, *P. L.*, XIV, 641, 643).—Cfr. T. Halusa, Ord. Cist., *Flores S. Bernardi*, Ratisbon 1898, 87, n. 232; H. Joly, *Psychology of the Saints*, London 1898, pp. 6 sq., 24 sqq.

14 *"Non omnia, quae a sanctis vel*

some of the things the saints did are to be admired rather than imitated.

The biographies of the saints contain a wealth of materials for a history of the religious life and for a general history of civilization. But they present a difficult problem to the critical historian because many of them are not as old as they claim to be, and most of them embody unauthenticated legends. In order properly to estimate the lives of the saints, particularly those that have been handed down to us from the Middle Ages, we must pay due regard to the fact that they were professedly written for the edification of the faithful, and that the compilers frequently dressed up scanty and unreliable data to "point a moral and adorn a tale." Historic accuracy, as a rule, was far from the purpose of these pious scribes, and the most that can be said for their productions, from the historian's point of view, is that the things they relate may conceivably have happened in the manner described.[15]

Recent researches leave no doubt that the great majority of medieval hagiographers worked mechanically in accordance with a ready-made scheme. Miracles they had read or heard about others they attributed to the saint whose story they were engaged in writing. We have instances of entire legends being transferred from one saint to another or taken from pagan mythology.

In view of these facts it is rather remarkable that of the saints' lives that have come down to us comparatively few are wholly fictitious. The majority contain a kernel

iustis viris legimus, transferre debemus in mores." (*Contra Mendac.*, c. 9, n. 22; Migne, *P. L.*, XL, 532).

15 See E. Michael, S.J., *Geschichte des deutschen Volkes*, Vol. III, Freiburg 1903, p. 392; the *Fortnightly Review*, St. Louis, Mo., Vol. XXIV (1917), No. 7, p. 100.—M. Huber, S.J., *Die Nachahmung der Heiligen*, 2 vols., Freiburg 1912.

of truth. This is admitted even by such hyper-critics as Harnack.[16]

A legend, in the strict sense of the term, is a story or incident unauthenticated by history. It is the work of the people, that "mysterious and many-headed agent, uncontrolled in his methods, swift and unfettered . . . , perpetually in labor with fresh products of his fancy . . . Beside him there is the man of letters, the editor, who stands before us as one condemned to a thankless task, compelled to follow a beaten track, but giving to all he produces a deliberate and durable character. Both together have collaborated in that vast undertaking known as 'The Lives of the Saints,' and it is important for us to recognize the part played by each in this process of evolution, which, though the work of all time, is incessantly renewed." [17] Legends are mainly poetry, and should be judged as such. Poetic fancies may give pleasure, but the Truth alone has a claim to veneration and assent. St. Francis de Sales' famous dictum that the lives of the saints are "the Gospel put into practice," [18] applies only to the historic lives, not to the

16 Cfr. Harnack's paper on "Legends as Historical Sources" in the *Preussische Jahrbücher,* 1890, pp. 249 sqq.; H. Achelis, *Die Martyrologien,* Berlin 1900; H. Quentin, O.S.B., *Les Martyrologes Historiques,* Paris 1908.

17 H. Delehaye, S.J., *Les Légendes Hagiographiques,* 2nd ed., Bruxelles 1906 (English tr. by Mrs. V. M. Crawford, *The Legends of the Saints: An Introduction to Hagiology,* London 1907, p. 11). Cfr. H. Günter, *Legendenstudien,* Cologne 1906; K. A. H. Kellner, *Heortologie,* 2nd ed., Freiburg 1906, pp. 155 sqq. (English translation by a Priest of the Diocese of Westminster, under the title, *Heortology: A History of the Christian Festivals from their Origin to the Present Day,* London 1908, pp. 203 sqq.); H. Menge, *Haben die Legendenschreiber des Mittelalters Kritik geübt?* Münster 1908; L. Zöpf, *Das Heiligenleben im zehnten Jahrhundert,* Leipsic 1908, pp. 6 sqq., 31 sqq., 108 sqq.

18 *Avis sur la Vraie Manière de Prêcher,* ch. 3, n. 2: *"Qu'est ce autre chose la vie de saints que l'Évangile mis en œuvre?"*—Cfr. St. Gregory the Great, *Hom. in Ezech.,* I, 10, n. 38: *"In sanctorum patrum vita cognoscimus, quid in sacrae scripturae volumine intellegere debeamus. Illorum quippe actio nobis aperit hoc, quod in suis praedicationibus pagina testamentorum dicit."* (Migne, *P. L.,* LXXVI, 901).

poetical inventions of authors who could not have recorded the facts even if they had set out to do so, for the simple reason that they had no reliable knowledge of them.

4. The teaching of Catholic moralists (*doctrina*)[19] is a source of Moral Theology in so far as these writers testify to the belief and practice of the faithful at different times and in different countries, and digest and develop moral ideas and principles with due regard to political and social conditions. Note, however, that whereas the basic principles of morality are unalterable and never lose their binding force, particular duties and rights may change. General laws must be constantly adjusted to varying conditions.

The teaching of Catholic moralists has to be judged in the light of the following considerations:

(1) There is a clear-cut distinction between an author's testimony to the teaching of the Church and his private opinions. Every man is more or less a child of his age and country, and ethical views change somewhat with social and other conditions.

(2) The highest authority belongs to those writers who have been officially proclaimed "Doctors of the Church," especially St. Thomas Aquinas (1567), St. Alphonsus de' Liguori (1871),

19 Cfr. Pesch, *Praelect. Dogmat.*, Vol. I, 4th ed., pp. 388 sqq., 400 sqq.

and St. Francis de Sales (1877).[20] However, the approbation given to these authors does not mean that the Church endorses all their teachings. Even the oft-quoted decrees in favor of the writings of St. Alphonsus are negative rather than positive and have no dogmatic character.[21]

(3) Due attention must be paid to an author's position in the Church,—pope, bishop, or priest,—and to the purity of his morals.

The principle, *"Tantum valet quantum probat"* applies to all theologians. Not even St. Thomas is an exception. "Neither in Dogmatic nor in Moral Theology," says a recent writer, "is it sufficient to appeal to the authority of St. Thomas without regard to the arguments on which he

20 In the Bull of Clement VII (Nov. 26, 1523) proclaiming the canonization of St. Antoninus of Florence, that eminent writer, too, is styled "Doctor."

21 Pius VII, on May 18, 1803, approved a decree of the S. C. R., in which that sacred Congregation declared that it had found nothing deserving of censure in the writings of St. Alphonsus (*"nihil in eis censurâ dignum esse repertum"*). The S. Penitentiary, on July 5, 1831, replied to two questions: *"(1) Utrum s. theologiae professor opiniones, quas in sua theologia morali profitetur beatus Alphonsus a Ligorio sequi tuto possit ac profiteri,"* and *"(2) An sit inquietandus confessarius, qui omnes beati Alphonsi a Ligorio sequitur opiniones in praxi sacri poenitentiae tribunalis, hac solâ ratione quod a S. Sede Apostolica nihil in operibus illius censurâ dignum repertum fuerit."* The answer was: *"Ad 1: affirmative, quin tamen inde reprehendendi censeantur, qui opiniones ab aliis probatis auctoribus traditas sequuntur. Ad 2: negative, habitâ ratione mentis S. Sedis circa approbationem scriptorum servorum Dei ad effectum canonizationis."* Gregory XVI confirmed this decision and in the Bull of canonization (1839) declared: *"Eiusdem [Sancti Alphonsi] opera inoffenso prorsus pede percurri a fidelibus posse."* Pius IX declared, March 23, 1871: *"[S. Alphonsus] inter complexas theologorum sive laxiores sive rigidiores sententias tutam stravit viam, per quam Christi fidelium animarum moderatores inoffenso pede incedere possent."* All these approbations and declarations mean nothing more than that the writings of St. Alphonsus contain nothing contrary to the teaching of the Church.

bases his opinion. To proceed by mere appeal to authority is contrary to the principles of Scholasticism, of which the Angelic Doctor was the leading exponent.[22] As far as possible, reason should endeavor to demonstrate the truths proposed by faith. The maxim, '*Fides quaerit intellectum*' must never be set aside in favor of authority, because even the highest authority is, after all, but human. To adopt an opinion for no other reason than that it was held by St. Thomas, would be foreign to the spirit of Scholastic theology." [23] St. Thomas, as Lacordaire has rightly said, is a light to guide, not a rod to check.[24] Where the Church has issued no positive decision and Revelation offers no definite guidance, we must follow the light of reason and the advice of competent experts. When the theologians agree, it would be rash to reject their opinion.[25] If a considerable number of reputable authors defend a proposition, it is at least permissible to follow their teaching.[26]

READINGS.—M. Cronin, *The Science of Ethics*, Vol. I, Dublin 1909, pp. 14 sq.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia*, Vol. XIV, pp. 602 sq.—H. Gerigk, *Die wissenschaftliche Moral und ihre Lehrweise*, Breslau 1910.—M. Cano, *Loci Theologici*, Salamanca 1563.—Ad. Tanquerey, S.S., *Synopsis Theologiae Moralis*, Vol. I, 2nd ed., pp. 5 sqq.

22 For St. Thomas' own statement see Turner, *History of Philosophy*, p. 354.

23 Innsbruck *Zeitschrift für kath. Theologie*, 1898, p. 530.

24 "*S. Thomas est un phare, mais ne doit pas être une borne.*"

25 Cfr. Melchior Cano, *Loci Theologici*, l. VII, c. 4.

26 Cfr. the *Zeitschrift für kath. Theologie*, 1884, p. 788.

CHAPTER VIII

THE METHODS OF MORAL THEOLOGY

The attainment of man's last end may be conceived as depending upon knowledge of the truth, observance of the law, or the mystic union of the soul with Christ.[1] Accordingly we distinguish three methods of studying and teaching Moral Theology. These methods are based on the three principal stages that mark the way to Christian perfection and are known as the Scholastic or speculative, the practical or casuistic, and the ascetic method.

1. The Scholastic or Speculative Method.—The Scholastic or speculative method derives its data from positive theology, that is to say, it examines the teaching of Scripture and Tradition and expounds the moral principles derived from that teaching in the light of reason, tracing their intrinsic relations, demonstrating their correctness, and developing their logical implications.

This method may, therefore, be described as a deduction of the principles of right living from the truths of speculative theology. Hence its other

1 John XVII, 3; Matth. XIX, 17; John VI, 55-58.

name, *speculative*. The principal purpose of the speculative or Scholastic method is to set forth the eternal ideas of right and wrong as they exist in the divine intellect, the ethical faculties of man, and divine Revelation. The claims of this method need not be proved; they are justified by the very nature of the subject with which Moral Theology deals.

2. THE PRACTICAL OR CASUISTIC METHOD. —This method may be defined as technical instruction in the application of the general principles of morality to special conditions and events, real or imaginary; or, in other words, as the analytic solution of so-called cases of conscience (*casus conscientiae*). Thus defined, casuistry (*theologia casuistica*) is a legitimate, nay an indispensable instrument for testing the morality of human acts. By applying the principles of right conduct to the actual and possible occurrences of everyday life, the casuist decides practical problems arising in the cure of souls and determines what is right and what is wrong, what is licit and what is forbidden, what is venially and what mortally sinful in each individual case. Employed prudently, *i. e.*, with due regard for the principles of morality, the casuistic method is undoubtedly useful. However, it embraces only a narrow sector of life, and appraises human conduct mainly from the external, juridical, and

legal point of view, and hence easily leads either to excessive rigorism or undue laxity.[2]

In another and a higher sense casuistry is more than a mere method employed in Moral Theology; it is a science which digests the positive moral teachings embodied in the laws and official decisions of the Church and deduces from them the true spirit of ecclesiastical legislation and definite principles for the guidance of conduct.

3. The Ascetic Method.—This method shows how the means of grace should be employed so as to enable man to attain perfection.

There are three ways of attaining perfection: the purgative, the illuminative, and the unitive.

Setting out on the first (*via purgativa*), the soul is cleansed from sin and concupiscence by prayer, penitence, and mortification.

Proceeding on the second (*via illuminativa*), the soul is divinely enlightened and endowed with supernatural prerogatives, such as intuition, vision, etc.

Finally, at the end of the third way (*via unitiva*), the soul is united with God, its sovereign Good.

Mysticism, which in its practical manifestations is sometimes, though less appropriately,

2 Cfr. F. Walter, *Theorie und Praxis*, pp. 15 sqq.; Jos. Rickaby, S.J., *Political and Moral Essays*, London 1902, pp. 197 sqq.; T. Brosnahan, S.J., in the *Cath. Encyclopedia*, Vol. III, pp. 415 sqq.; W. Humphrey, S.J., *Conscience and Law*, London 1896.

called ascetism, may consequently be defined as the science of Christian virtue, particularly ideal virtue, *i. e.* the hidden life of the soul with Christ in God.[3] It forms the climax and crown of Moral Theology.

However, mystic theology does not comprise the Church's entire teaching with regard to the virtues of the Christian life. It merely deals with these virtues in their highest aspects. Wrongly conceived, Mysticism leads to the adoption of false ideals.

The Church has prescribed none of the three methods enumerated above for the study or teaching of Moral Theology.[4] As each method covers but a portion of the vast field traversed by this science, all three should be employed together. We find them so employed in the writings of St. Bernard, St. Thomas, St. Bonaventure, and other great masters.

READINGS.—J. Hogan, *Clerical Studies,* Boston 1898, pp. 209 sqq., 222 sqq.—J. Mausbach, *Die kath. Moral, ihre Methoden, Grundsätze und Aufgaben,* 2nd ed., Cologne 1902.—IDEM, *Catholic Moral Teaching and its Antagonists,* New York 1914, pp. 57 sqq.

3 Col. III, 3; Gal. II, 20; VI, 14; Eph. III, 17 sqq.—Cfr. F. X. Mutz, *Christliche Aszetik,* Paderborn 1907, 1910; Th. Zahn, *Einführung in die christliche Mystik, ibid.,* 1908; G. M. Sauvage, in the *Cath. Encyclopedia,* Vol. X, pp. 663 sqq.; A. Poulain, S.J., *The Graces of Interior Prayer* (tr. by L. Y. Smith), London 1911.

4 Pius VI in his Constitution *"Auctorem fidei"* (Aug. 28, 1794) and Pius IX, in the thirteenth proposition of the Syllabus, merely defend Scholasticism against the unjust accusations of its enemies; they do not prescribe the casuistic method for Moral Theology. The same is true of the letter addressed by Pius IX to the Munich Scientific Congress, Dec. 21, 1863.

—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., Haaren 1910, pp. 7 sq.—A. Meyenberg, *Die kath. Moral,* 2nd ed., pp. 34 sqq.—Hettinger-Stepka, *Timothy,* pp. 390 sqq.—M. Grabmann, *Die Geschichte der scholastischen Methode,* Vol. I, Freiburg 1909, pp. 36 sqq., 55 sqq.—Jos. Rickaby, S.J., *Political and Moral Essays,* London 1902, pp. 197 sqq.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia,* Vol. XIV, pp. 607 sqq.—Th. Bouquillon, *Theologia Moralis Fundamentalis,* 3rd ed., Bruges 1903.—A. Krawutzky, *Einleitung in das Studium der kath. Moraltheologie,* 2nd ed., Breslau 1898.

CHAPTER IX

HISTORY AND LITERATURE OF MORAL THEOLOGY

Catholic Moral Theology has a very extensive literature. In this compendium we can do little more than give a list of the principal authors and their more important works. We shall supplement this enumeration with sufficient data to make it serve as an historical outline of the development of our science.

The history of Moral, like that of Dogmatic Theology, and Church History in general, may suitably be divided into three periods: (1) the Patristic, (2) the Medieval or Scholastic, and (3) the Modern Period.

SECTION I

THE PATRISTIC PERIOD

1. Those who occupied themselves publicly with the moral teaching of Christianity in the first three centuries did so for a practical rather than a scientific purpose; they wrote to instruct the faithful in the principles of right living and to ward off pagan or heretical attacks.

a) The so-called Apostolic Fathers [1] expound the moral teaching of the Church on the basis of Sacred Scripture and Tradition. They specially emphasize the three theological virtues of faith, hope, and charity as the core and kernel of Christian morality.

The *Didaché,* or Teaching of the Twelve Apostles, has been called "the first handbook of Moral Theology." It gives a synopsis of Christian ethics under the figure of two ways, the way of life and the way of death.[2]

1 Cfr. F. X. Funk, *Patres Apostolici,* Vol. I, 2nd ed., Tübingen 1901.—A cheap edition of the writings of these Fathers, with a fairly reliable English translation, is now available in the Loeb Classical Library (Kirsopp Lake, *The Apostolic Fathers,* 2 vols., London 1912 and 1913).

2 Διδαχὴ τῶν δώδεκα ἀποστόλων, Ch. I–VI.—On the *Didaché* and its teaching see Bardenhewer-Shahan, *Patrology,* Freiburg and St. Louis 1908, pp. 19 sqq.; J. Tixeront, *His-*

The same simile, in a slightly altered form, occurs in the Epistle ascribed to St. Barnabas.[3]

St. Clement of Rome, who, according to St. Irenaeus, was the third successor of St. Peter, instructs the Corinthians in their duties, warns them against harboring envy and jealousy, recommends the practice of humility and obedience, and points to certain types and examples of these virtues contained in the Old Testament.[4]

St. Ignatius of Antioch, of whose letters St. Polycarp says that they "contain faith, patience, and all the edification which pertains to our Lord,"[5] calls faith and charity "the beginning and the end of life,"[6] and describes the mutual relationship of these two virtues as follows: "The beginning is faith, the end is love; and when the two are joined together in unity, it is God, and all other noble things follow after them."[7]

St. Polycarp as a rule confines himself to general admonitions; but now and then he exhorts his

tory of Dogmas, Vol. I, St. Louis 1910, pp. 135 sqq.—A synopsis of the *Didaché* is given by Slater in his *Short History of Moral Theology*, pp. 9 sqq.

3 *Ep. Barn.*, c. XVIII–XXI.—For a brief account of this letter and its contents see Bardenhewer-Shahan, *Patrology*, pp. 22 sqq.; Tixeront, *Hist. of Dogmas*, Vol. I, pp. 139 sqq.

4 1 *Ep. ad Cor.*, c. 1–36.—Cfr. Bardenhewer-Shahan, *Patrology*, pp. 25 sqq.; Tixeront, *Hist. of Dogmas*, Vol. I, pp. 107 sqq.; J. Gregg, *The Epistle of St. Clement*, London 1899.

5 Polycarp, *Ad Phil.*, XIII, 2.

6 ἀρχὴ ζωῆς καὶ τέλος.

7 *Ad Ephes.*, XIV, 1: ἀρχὴ μὲν πίστις, τέλος δὲ ἀγάπη· τὰ δε δύο ἐν ἑνότητι γενόμενα θεός ἐστιν, τὰ δὲ ἄλλα πάντα εἰς καλοκἀγαθίαν ἀκόλουθά ἐστιν.—On St. Ignatius' teaching see E. Bruston, *Ignace d'Antioche, ses Épitres, sa Vie, sa Théologie*, Paris 1897.

disciples to obey "the presbyters and deacons" and emphasizes the three theological virtues together with love of one's neighbors.[8]

The twelve commandments (*mandata*) inculcated by the *Shepherd of Hermas* are a kind of compendium of Catholic moral teaching.[9]

The Letter to Diognetus describes the exemplary life led by the Christians of the third or fourth century.[10]

b) The Apologists of the second and third centuries,[11] without shutting their eyes to the commendable features of pagan civilization, contrast the pious life led by Christian believers with the depravity of the pagan masses, and extol the former for their unworldliness, their chastity and benevolence, their charity and heroism, which frequently culminated in martyrdom.

Though the early Christians constantly kept in view the essentials of morality, and recognized prayer and penance as the principal means of sanctification, their views and customs undeniably betray a certain rigorism. Thus they condemned play-acting and other diversions which are in themselves harmless.[12]

8 *Ad Phil.*, III, 2–3.—Cfr. Tixeront, *History of Dogmas*, Vol. I, pp. 132 sqq.

9 Cfr. Bardenhewer-Shahan, *Patrology*, pp. 38 sq.; Tixeront, *op. cit.*, I, 111 sqq.

10 *Ep. ad Diogn.*, c. V–VII.—On the authorship of this disputed letter see Bardenhewer-Shahan, *Patrology*, pp. 68 sq.

11 *V.* Bardenhewer-Shahan, *Patrology*, pp. 44 sqq.

12 Cfr. K. J. Hefele, *Beiträge zur Kirchengeschichte*, Vol. I, Tübingen 1864, pp. 16 sqq.; A. Bigelmair, *Die Beteiligung der ersten Christen am*

The development of Moral Theology was strongly advanced by Clement of Alexandria, whose trilogy (*Protrepticus, Paedagogus, Stromata*) is a graduated or progressive introduction to Christianity. The *Protrepticus* (Exhortation to the Heathen) opens with an eloquent invitation to listen to "the new song of the Logos going forth from Sion." The *Paedagogus* is a guide to Christian life for the use of converts. The *Stromata* (Miscellanies; strictly, Tapestries, a collection of materials for the instruction and training of theologians) presents a scientific account of "the true philosophy," *i. e.*, the Christian religion. Another ethical treatise by the same learned author, Τίς ὁ σωζόμενος πλούσιος, is more commonly known by its Latin title, *"Quis Dives Salvetur?"* [13]

Origen made valuable contributions to Moral Theology in his treatise on Prayer and the Exhortation to Martyrdom.[14]

öffentlichen Leben, Munich 1902, pp. 172 sqq.

13 Cfr. Bardenhewer-Shahan, *Patrology*, p. 129; Slater, *A Short History of Moral Theology*, pp. 11 sqq. —Clement's trilogy is reproduced in Migne, *P. G.*, VIII and IX. Vol. VIII contains the *Paedagogus* and the first four *Stromata;* Vol. IX, the other works.—On his life and teaching see O. Stählin, *Clemens Alexandrinus*, 3 vols., Leipsic 1905–09; F. J. Winter, *Die Ethik des Klemens von Alexandrien*, Leipsic 1882; E. de Faye, *Clément d'Alexandrie*, Paris 1898; W. Capitaine, *Die Moral des Klemens von Alexandrien*, Paderborn 1903; F. X. Funk, *"Klemens von Alexandrien über Familie und Eigentum,"* in *Kirchengeschichtliche Abhandlungen und Untersuchungen*, Vol. II, Paderborn 1899, pp. 45 sqq.; W. Wagner, *Der Christ und die Welt nach Klemens von Alexandrien*, Göttingen 1903; J. Kaye, *Some Account of the Writings and Opinions of Clement of Alexandria*, 2nd ed., London 1890; K. Ernesti, *Die Ethik des T. Flavius Klemens von Alexandrien*, Paderborn 1900.

14 Migne, *P. G.*, XI, 416–561,

Tertullian [15] and St. Cyprian are the leading representatives of what may be called the practical school of early Christian moralists. The orthodox writings of the former contain many profound reflections on ethical topics.[16] Tertullian was the first writer who expressly taught that the will of God is the sovereign principle of morality.[17] St. Cyprian has left us a number of excellent moral treatises distinguished by genuine piety.[18]

2. In the fourth century the Fathers of both

564–637.—Cfr. W. Capitaine, *De Origenis Ethica*, Münster 1898; C. Klein, *Die Freiheitslehre des Origenes*, Strassburg 1894.

15 Tertullian's ethical writings are reprinted in Migne, *P. L.*, I and II, in Gersdorf's *Bibliotheca Patr. Eccles. Lat.*, ed. E. F. Leopold, Leipsic 1839, Vols. IV–VII, and in the *Corpus Scriptorum Ecclesiasticorum Latinorum*, Vienna 1890–96, XX, 1 and 3.—On this writer's teaching see G. Ludwig, *Tertullians Ethik*, Leipsic 1885; W. Vollert, *Tertullians dogmatische und ethische Grundanschauung*, Gütersloh 1903; J. Turmel, *Tertullien*, 2nd ed., Paris 1905, pp. 146 sqq.; Adhémar d'Alès, *La Théologie de Tertullien*, Paris 1905, pp. 262 sqq.; F. Nielsen, *Tertullians Ethik*, Schönberg 1879; J. Tixeront, *History of Dogmas*, Vol. I, pp. 304 sqq.

16 *De Poenitentia, De Oratione, De Patientia, Ad Martyres, De Idololatria, De Spectaculis, Ad Uxorem.* —On the character of these treatises and the various editions of them see Bardenhewer-Shahan, *Patrology*, pp. 186 sq.

17 *De Poenit.*, 4: "*Nos vero pro nostris angustiis unum inculcamus, bonum atque optimum esse, quod Deus praecipit. Audaciam existimo, de bono divini praecepti disputare. Neque enim quia bonum est, idcirco auscultare debemus, sed quia Deus praecipit. Ad exhibitionem obsequii prior est maiestas divinae potestatis, prior est auctoritas imperantis quam utilitas servientis.*" (Ed. Leopold, II, 52).

18 These treatises may be found in Migne, *P. L.*, IV (cfr. II and V); a critical edition by G. Hartel in the *Corpus Script. Eccles. Lat.*, III, 1–3, Vienna 1868–1871.—St. Cyprian's principal moral treatises are: *De Catholicae Ecclesiae Unitate, De Lapsis, De Dominica Oratione, De Bono Patientiae, De Opere et Eleemosynis, De Habitu Virginum, De Mortalitate.*— Cfr. Bardenhewer-Shahan, *Patrology*, pp. 192 sqq.—On the ethical teaching of Lactantius (Migne, *P. L.*, VI–VII; *Corpus Script. Eccl. Lat.*, Vols. XIX and XXVII, ed. S. Brandt and G. Laubmann, Vienna 1890–1897) see M. E. Heinig, *Die Ethik des Lactantius*, Grimma 1887.

the East and the West labored hard to stem the tide of corruption that threatened to invade the Church. It was in the course of this period that St. Ambrose and St. Augustine laid the foundations of Moral Theology as a science. St. Augustine in particular deserves a place of honor in the Patristic history of our discipline on account of the masterful way in which he developed theological anthropology and expounded many ethical questions.

St. Ambrose's principal moral treatise, entitled *De Officiis Ministrorum,* is modelled on Cicero's *De Officiis* and may be described as a manual of instruction composed for the author's spiritual children, the ecclesiastics or ministers (*ministri*) of the Church. His chief motive seems to have been to demonstrate the superiority of Christian over pagan ethics. He also wrote several works in praise of virginity and the religious state. It has been justly observed that the ethical element predominates in all his writings.[19]

St. Augustine systematically expounded both the dogmatic and the moral teaching of the Church in his *Enchiridion ad Laurentium, sive de Fide, Spe et Caritate.* His treatise *De Moribus Ecclesiae et de Moribus Manichæorum* is devoted entirely to a defense of the moral teaching

19 Cfr. Tixeront, *History of Dogmas,* Vol. II, pp. 251 sq.—Slater, *A Short History of Moral Theology,* pp. 14 sq.—St. Ambrose's moral writings in Migne, *P. L.,* XIV–XVII.—On the relation of his *De Officiis Ministrorum* to Cicero's *De Officiis* see F. Bittner, *Commentatio de Ciceronianis et Ambrosianis Officiorum Libris,* Braunsberg 1849; J. E. Pruner, *Die Theologie des hl. Ambrosius,* Eichstätt 1862.—R. Thamin (*S. Ambroise et la Morale Chrétienne au IVe Siècle,* Paris 1895, ch. 5–8) underrates the influence of Sacred Scripture on the ethical teaching of St. Ambrose.

of the Church against the Manichæans. He wrote separate monographs on lying, marriage, monasticism, continence, patience, virginity, and widowhood.[20] Besides, not a few of his letters deal with ethical topics.[21] The fundamental principle of Christian morality, according to Augustine, is charity, from which all other virtues emanate, and with which they are substantially identical.[22]

St. Augustine also laid the foundation of practical Mysticism. Speculatively, this science was profoundly influenced by the writings attributed (wrongly, as we now know) to Dionysius the Areopagite.[23]

Other distinguished moralists of the Patristic age were St. Basil the Great,[24] St. Gregory of Nyssa, in whose writings the viewpoint of practical morality often asserts itself,[25] St. Gregory of Nazianzus,[26] and St. John Chrys-

20 *De Mendacio, Contra Mendacium, De Bono Coniugali, De Opere Monachorum, De Continentia, De Patientia, De Sancta Virginitate, De Bono Viduitatis.*—Bardenhewer-Shahan, *Patrology*, p. 492.

21 Reprinted from the Benedictine edition in Migne, *P. L.*, XXXII–XLVII.—On the ethical teaching of St. Augustine see H. Reuter, *Augustinische Studien*, Gotha 1887, pp. 359 sqq.; C. Wolfsgruber, *Augustinus*, Paderborn 1898, pp. 860 sqq.; A. M. Tonna-Barthet, *S. Augustini Doctrina Ascetica*, Einsiedeln 1906; J. Mausbach, *Die Ethik des hl. Augustinus*, 2 vols., Freiburg 1909; Bardenhewer-Shahan, *Patrology*, pp. 488 sqq.; J. Tixeront, *History of Dogmas*, Vol. II, pp. 367 sqq., 432 sqq., 460 sqq.

22 Cfr. *De Moribus Ecclesiae*, c. 14, n. 24 (Migne, *P. L.*, XXXII, 1321).

23 Cfr. H. Koch, *Pseudo-Dionysius Areopagita in seinen Beziehungen zum Neuplatonismus und Mysterienwesen*, Mayence 1900; Bardenhewer-Shahan, *Patrology*, pp. 535 sqq.; Tixeront, *Hist. of Dogmas*, Vol. III, pp. 5 sqq.

24 *Ethica, Ep. Canonicae* (Migne, *P. G.*, XXIX–XXXII).—Cfr. A. Kranich, *Die Assetik in ihren dogmatischen Grundlagen bei Basilius dem Grossen*, Paderborn 1896.—Bardenhewer-Shahan, *Patrology*, p. 278.

25 See his *De Perfectione*, and especially *De Virginitate* (Migne, *P. G.*, XLIV–XLVI).—Cfr. Bardenhewer-Shahan, *Patrology*, p. 299.—On the ethical teaching of St. Gregory of Nyssa see F. Hilt, *Des hl. Gregorius von Nyssa Lehre vom Menschen*, Cologne 1890, pp. 103 sqq., 175 sqq.; W. Vollert, *Die Lehre Gregors von Nyssa vom Guten und Bösen*, Leipsic 1897; J. B. Aufhauser, *Die Heilslehre des hl. Gregor von Nyssa*, Munich 1910.

26 *Carmina, Orationes* (Migne, *P. G.*, XXXV–XXXVIII).—On Nazianzen's teaching see Fr. K. Hümmer, *Des hl. Gregor von Nazianz, des The-*

ostom. These writers treated ethical subjects mostly from the standpoint of the ascetic.[27]

St. Ephraem Syrus in his orations and hymns is both scholastic and practical. Moralizing discourses, monitory or penitential, make up the greater part of his works.[28]

St. Cyril of Jerusalem deals with sin, penance, and other moral topics in his famous *Catecheses Mystagogicae*.[29]

St. Macarius the Egyptian is regarded as the founder of ecclesiastical Mysticism.[30]

St. Methodius, Bishop of Olympus in Lycia, in his famous *Symposion,* enthusiastically chants the praises of virginity.[31]

The moral teaching of St. Gregory the Great is minute and practical. His *Expositio in Librum Iob,* more generally known as *Moralium Libri XXXV,* has justly been termed "a thesaurus of Moral Theology." [32] His famous *Liber Regulae Pastoralis,* written about 591 and dedicated to Archbishop John of Ravenna, is regarded as the first treatise on casuistry.[33]

ologen, Lehre von der Gnade, Kempten 1890; Th. Sommerlad, *Das Wirtschaftsprogramm der Kirche im Mittelalter,* Leipsic 1903, pp. 136 sqq.

27 Chrysostom's ascetical and moral writings in Migne, *P. G.,* XLVII–LXIV.—On his moral teaching see Somerlad, *op. cit.,* pp. 142 sqq.; Bardenhewer-Shahan, *Patrology,* pp. 344 sq.

28 Cfr. Bardenhewer-Shahan, *Patrology,* pp. 390 sq.

29 Migne, *P. G.,* XXXIII.—On the moral doctrine of St. Cyril see A. Knappitsch, *S. Cyrilli Catechesibus quae Principia et Praecepta Moralia Contineantur,* Graz 1899.

30 Bardenhewer-Shahan, *Patrology,* pp. 226 sq.—The Ὁμιλίαι πνευματικαί are reprinted in Migne, *P. G.,* XXXIV, 449–822.—On the theological opinions of Macarius cfr. J. Stoffels, *Die mystische Theologie Makarius des Aegypters und die ältesten Ansätze christlicher Mystik,* Bonn 1908.

31 Migne, *P. G.,* XVIII, 9–408.—Cfr. N. Bonwetsch, *Die Theologie des Methodius von Olympus,* Berlin 1903, pp. 125 sqq.

32 Bardenhewer-Shahan, *Patrology,* p. 653.

33 *Op. cit.,* pp. 652 sq.—Gregory's writings will be found in Migne, *P. L.,* LXXV–LXXIX.—On his life and teaching cfr. C. Wolfsgruber, *Gregor der Grosse,* Saulgau 1890.—On the teaching of St. Jerome and Theodoret of Cyrus see Th. Sommerlad, *Das Wirtschaftsprogramm der Kirche im Mittelalter,* Leipsic 1903, pp. 165 sqq., 173 sqq.

Readings.—R. Ceillier, *Apologie de la Morale des Pères de l'Église,* Paris 1718.—J. P. Charpentier, *Études sur les Pères de l'Église,* Paris 1853.—A. Rietter, *Sittenlehre der kirchlichen Schriftsteller der ersten zwei Jahrhunderte,* Ratisbon 1845.—E. von Dobschütz, *Die urchristlichen Gemeinden,* Leipsic 1902.—A. Harnack, *Die Mission und Ausbreitung des Christentums,* Vol. I, 2nd ed., Leipsic 1906, pp. 172 sqq.—Bardenhewer-Shahan, *Patrology,* pp. 15 sqq.—J. Schwane, *Dogmengeschichte,* Vol. I, 2nd ed., Freiburg 1892, pp. 289 sqq., 466 sqq.; Vol. II, 2nd ed., Freiburg 1895, pp. 418 sqq., 439 sqq., 725 sqq.—Thos. Slater, S.J., *A Short History of Moral Theology,* New York 1909, pp. 8–35.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia,* Vol. XIV, pp. 604 sq.

SECTION 2

THE MEDIEVAL OR SCHOLASTIC PERIOD

1. The ecclesiastical writers of the early Middle Ages contented themselves with gathering up the moral teachings of the Fathers, expounding and adapting them to practical use by means of encyclopedic collections known as *Libri Sententiarum*, *Scintillae Patrum*, or *Sacra Parallela*. It is sufficient to mention St. Isidore of Seville, St. John of Damascus, St. Bede, St. Peter Damian, and Alcuin.[1]

About the same time the ancient penitential canons together with the existing ordinances regarding the administration of penance were gathered into so-called Penitential Books (*Libri Poenitentiales*), which, by noting the penances to be imposed in the confessional, helped to prepare the way for the casuistic method.[2]

2. Beginning with the eleventh century the moral teaching of the Church was systematically

1 Cfr. Kihn, *Enzyklopädie und Methodologie der Theologie*, Freiburg 1892, p. 441.—On SS. Isidore and John Damascene see Bardenhewer–Shahan, *Patrology*, pp. 660 sqq., 582 sqq. On St. Bede, St. Peter Damian, and Alcuin, the *Cath. Encyclopedia*, II, 384 sqq., XI, 764 sq., I, 276 sqq.

2 Pohle-Preuss, *The Sacraments*, Vol. III, pp. 199 sq.; H. J. Schmitz, *Die Bussbücher*, 2 vols., Mayence 1883 and 1899; Lehmkuhl in the *Cath. Encyclopedia*, XIV, 605.

expounded according to the speculative, the casuistic, and the mystical method. However, Moral Theology was not yet an independent science, but formed a part of the Scholastic *Summae*, and was dealt with either in philosophy or dogmatic theology.

The first writer who treated Moral Theology as a separate science probably was William Perault, O. P. (+ before 1270).[3] He was followed by St. Antoninus of Florence, also a Dominican (+ 1459).[4] Both Perault and St. Antoninus combined the systematic with the casuistic method.

a) The real founder of Moral Theology as a science, however, is St. Thomas Aquinas (+ 1274).[5] Utilizing the work of Peter Lom-

3 Perault (Perauld, Peraldus, Peraltus) is believed by some to have been archbishop of Lyons. His *Summa de Vitiis et Virtutibus* was first published at Cologne, 1497. (Cfr. Chs. J. Callan, O.P., in the *Cath. Encyclopedia*, Vol. XV, p. 642.)

4 *Summa Theologica*, best edition by Peter Ballerini, Verona 1740, 4 vols. folio.—Cfr. K. Ilgner, *Die volkswirtschaftlichen Anschauungen Antonins von Florenz*, Paderborn 1904.—Protestant ethics was raised to the rank of an independent science by George Calixtus (+ 1656). (Cfr. G. Hönicke, *Studien zur altprotestantischen Ethik*, Berlin 1902, p. 128). Th. Venatorius, a Protestant minister in Nürnberg, had published a treatise *De Virtute Christiana* in three books as early as 1529. (Cfr. the *New Schaff-Herzog Encyclopedia of Religious Knowledge*, Vol. IV, pp. 188 sqq.)

5 Cfr. K. Werner, *Der hl. Thomas von Aquin*, Vol. I, Ratisbon 1858, p. 815; A. Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. II, Mayence 1865, pp. 655–721; H. E. Plassmann, *Die Moral gemäss der Schule des hl. Thomas*, Soest 1861; A. Rietter, *Moral des hl. Thomas von Aquin*, Munich 1858; A. Portmann, *System der theologischen Summe*, 2nd ed., Lucerne 1903, pp. 105 sqq.; P. Berthier, *L'Étude de la Somme Théologique de S. Thomas d'Aquin*, 2nd ed., Paris 1905; M. Maurenbrecher, *Thomas von Aquins Stellung zum Wirtschaftsleben seiner Zeit*, Leipsic 1898; F. Walter, *Das Eigentum nach der Lehre des hl. Thomas und der Sozialismus*, Freiburg 1895; F. Schaub, *Eigentumslehre nach Thomas von Aquin*, Frei-

bard (+ 1164), called "Master of the Sentences," whose *Libri Sententiarum* for several centuries served as a standard text-book in the theological schools, and following Alexander of Hales (+ 1245) and Blessed Albert the Great (+ 1280),[6] the Angelic Doctor in the second part of his classic *Summa Theologica* developed Catholic moral teaching into a magnificent system based upon the philosophy of Aristotle and the dogmatic anthropology of St. Augustine.

The Thomistic system was attacked by Duns Scotus (+ 1308),[7] who asserted that "good is good because God wills it so, and to say that God wills the good for the reason that it is good would be false." [8]

burg 1898; J. Mausbach, *Ausgewählte Texte zur allgemeinen Moral aus den Werken des hl. Thomas von Aquin*, Münster 1905; Jos. Rickaby, S.J., *Aquinas Ethicus: or, The Moral Teaching of St. Thomas. A Translation of the Principal Portions of the Second Part of the "Summa Theologica," with Notes*, 2 vols., London 1896; M. De Wulf, *History of Medieval Philosophy* (tr. by P. Coffey), London 1909, pp. 341 sqq.; Hettinger-Stepka, *Timothy, or Letters to a Young Theologian*, pp. 388 sqq., St. Louis 1902.

6 Cfr. W. Feiler, *Die Moral des Albertus Magnus*, Leipsic 1891; E. Michael, S.J., *Geschichte des deutschen Volkes*, Vol. III, pp. 245 sqq.; M. De Wulf, *History of Medieval Philosophy*, pp. 298 sqq.

7 Cfr. M. De Wulf, *op. cit.*, pp. 367 sqq.; A. Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. II, pp. 851 sqq.; A. Bertoni, *Jean Duns Scot, sa Vie, sa Doctrine, ses Disciples*, Levanto 1917, pp. 402 sqq.

8 Scotus, *Comment. in Sent.*, III, dist. 19, qu. unica, § 7.—Cfr. Parthenius Minges, O.F.M., *Ist Duns Scotus Indeterminist?* Münster 1905; Idem, *Die Gnadenlehre des Duns Scotus*, *ibid.*, 1906; Idem, *Der Gottesbegriff des Duns Scotus*, Vienna 1907.—Fr. Minges says in his article on Scotus in the *Cath. Encyclopedia* (Vol. V, pp. 197 sq.): "Scotus declares emphatically that the morality of an act requires an object which is good in its nature, its end, and its circumstances, and according to the dictate of right reason. It is not true that he makes God's free will decide arbitrarily what is good and what is bad; he only asserts that the Commandments of the second table of the Decalogue are not in such strict sense laws of

b) Casuistry does not owe its existence, as has been supposed, to St. Raymond of Pennafort (+ 1275). Robert of Flamesbury, towards the end of the twelfth century, or at the beginning of the thirteenth, in a treatise called *Poenitentiale* employed the casuistic method with much skill. St. Raymond himself, in composing his *Summa,* utilized an earlier treatise by an unknown author, which was probably written between 1217 and 1226 and exhibits the casuistic method fully developed. This anonymous treatise constitutes the first known application of the casuistic method to Moral Theology.[9] However, among the numerous works known as *Summae Confessorum,* or *Summae Casuum Conscientiae,* which served the clergy of the Middle Ages in the administration of Penance, St. Raymond's *Summa de Casibus Poenitentiae,* or, as it is more often called, *Summa Raimundiana,* was by far the most famous.

Other widely quoted works of the same kind were: the *Summa Astesana* (or *Astensis*) *de Casibus Conscientiae,* composed about 1317 by a Franciscan friar of Asti in Piedmont; the *Summa*

nature as are those of the first table; because God cannot grant a dispensation from the laws of the first, whereas he can dispense from those of the second, as in fact He did when He commanded Abraham to sacrifice his son. But the precepts of the second table also are far more binding than the other positive laws of God," etc.

9 Cfr. E. Michael, S.J., *Geschichte des deutschen Volkes,* Vol. III, pp. 237 sqq.—On Raymond of Pennafort see M. M. O'Kane, O.P., in the *Cath. Encyclopedia,* Vol. XII, pp. 671 sq.

Pisana (or *Pisanella*) of Bartholomew of Pisa, O. P., written about 1338; the *Summa Pacifica* of Pacificus Novariensis (a resident of Ceredano near Novara), composed about 1470; the *Summa Rosella* or *Baptistiniana*, of J. B. Trovamala of Genoa, written about 1484; the *Summa Angelica*, of Blessed Angelus Carletus, a Franciscan, who is generally called Angelus de Clavasio from his birth-place Chiavasso (+ 1495); and, last not least, the *Summa Summarum quae Silvestrina dicitur*, composed by Sylvester Prierias, O. P., at Strassburg, 1518, which practically brings the age of the great "Summists" to a close.[10]

c) The chief representatives of the ascetic method[11] are St. Bernard of Clairvaux (+ 1153),[12] Hugh and Richard of St. Victor (+ 1141 and 1173),[13] and St. Bonaventure (+ 1274).[14] Later writers worthy of mention in this field are: John Tauler (+ 1361),[15] Bl.

10 Cfr. T. Brosnahan, S.J., art. "Casuistry" in the *Cath. Encyclopedia*, Vol. III, pp. 415 sqq.; Schmitz, *Die Bussbücher*, Vol. II, pp. 792 sqq.

11 Cfr. K. Werner, *System der christlichen Ethik*, Vol. I, pp. 58 sqq.

12 Migne, *P. L.*, CLXXXII–CLXXXV.—Cfr. A. Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. I, pp. 293 sqq.; M. Gildas, O.C.R., in the *Cath. Encyclopedia*, Vol. II, p. 501.

13 Migne, *P. L.*, CLXXV–CLXXVII; CXCVI. Cfr. Stöckl, *op. cit.*, I, 304 sqq., 355 sqq.

14 St. Bonaventure's *Opera Omnia* were re-edited by the Franciscan Fathers of Quaracchi, Italy, 1882 sqq.; *Decem Opuscula ad Theologiam Mysticam Spectantia, ibid.*, 1896.—Cfr. De Wulf, *History of Medieval Philosophy*, pp. 282 sqq.; L. Lemmens, O.F.M., *Der hl. Bonaventura*, Kempten 1909, pp. 30 sqq.; A. Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. II, pp. 880 sqq.; P. Robinson, O.F.M., in the *Cath. Encyclopedia*, Vol. II, pp. 648 sqq.

15 Cfr. K. Löffler in the *Cath. Encyclopedia*, Vol. XIV, pp. 465 sq.

Henry Suso (+ 1365),[16] Bl. John of Ruysbroeck (+ 1381), surnamed "the Admirable Doctor," [17] Gerard Zerbolt of Zütphen (+ 1398),[18] John Gerson (+ 1429),[19] and Thomas à Kempis (+ 1471), author of the world-famous *Imitation.*[20]

Readings.—Thos. Slater, S.J., *A Short History of Moral Theology,* New York 1909, pp. 35-44.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia,* Vol. XIV, pp. 605 sqq.

16 Cfr. A. L. McMahon, O.P., in the *Catholic Encyclopedia,* Vol. VII, pp. 238 sq.

17 V. Scully, C.R.L., *Life of Bl. John Ruysbroeck,* London 1910. Ruysbroeck's *Adornment of the Spiritual Marriage, The Sparkling Stone,* and *The Book of Supreme Truth* have recently been published in an English translation by C. A. Wynschenk Dom, edited by Evelyn Underhill, who contributes a valuable introduction, containing, *inter alia,* a brief biographical sketch of "the greatest of the Flemish mystics." (*John of Ruysbroeck,* London 1916).

18 Cfr. Scully in the *Cath. Encyclopedia,* Vol. VI, pp. 471 sq.

19 Cfr. L. Salembier, *ibid.,* pp. 530 sqq.

20 Cfr. Stöckl, *op. cit.,* II, pp. 1095 sqq.—A splendid critical edition of Thomas à Kempis' writings has lately been published by M. J. Pohl (*Thomae Hemerken a Kempis Opera Omnia,* Freiburg 1902 sqq.).—Cfr. Sir Francis R. Cruise, *Thomas à Kempis,* London 1887; Idem, *Who Was the Author of the "Imitation"?* London 1898; V. Sully, *Life of the Ven. Thomas à Kempis,* London 1901; Idem in the *Cath. Encyclopedia,* Vol. XIV, pp. 661 sqq.

SECTION 3

THE MODERN PERIOD

1. The general development of the sacred sciences following upon the Council of Trent naturally included Moral Theology.

a) For a while St. Thomas was generally followed, and the moralists continued to treat their problems in connection with Dogmatic Theology. Some of them, notably Gabriel Vasquez, S.J. (+ 1604),[1] Francis Suarez, S.J. (+ 1617),[2] and Dom. Bañez, O.P. (+ 1604), composed commentaries on the *Summa*. Others, *e. g.*, Peter Soto (+ 1563), Adam Tanner (+ 1632), Martin Becanus (+ 1624), Natalis Alexander (+ 1724), Charles Billuart (+ 1757), and Eusebius Amort (+ 1775), adopted a less formal treatment, which enabled them to combine a systematic exposition of Catholic teaching with its defense against the "Reformers."

From the close of the sixteenth century Moral Theology began to be treated as a separate discipline. The method commonly employed was

1 See Goyena in the *Catholic Encyclopedia*, Vol. XV, p. 275.

2 Cfr. K. Werner, *Franz Suarez*, Vol. I, Ratisbon 1861, pp. 262 sqq., 354 sqq.; Vol. II, pp. 152 sqq.; Goyena in the *Cath. Encyclopedia*, Vol. XIV, pp. 319 sq.; Lehmkuhl, *ibid.*, Vol. XIV, p. 607.

scholastic or casuistic. Most writers divided the subject into treatises and made many excursions into the realm of canonical and civil law.

The best-known moralists of this period are: the Jesuits Henry Henriquez (+ 1608), Gregory of Valentia (+ 1603), John Azor (+ 1603), Vincent Filliucci (+ 1622), F. de Castropalao (+ 1633), Louis Torres (Turrianus, + 1635), Paul Laymann (+ 1635),[3] Antony Escobar (+ 1669),[4] Herman Busembaum (+ 1668),[5] Claude Lacroix (+ 1714),[6] Paul Gabriel Antoine (+ 1743),[7] John Reuter (+ 1762),[8] Nicholas

3 Laymann was the ablest moralist among the German Jesuits. He taught Moral Theology in Munich from 1609–25. His *Theologia Moralis* (6 vols., Munich 1625) went through numerous editions.

4 K. Weiss, *P. Antonio de Escobar y Mendoza*, Klagenfurt 1908; E. P. Graham in the *Cath. Encyclopedia*, Vol. V, p. 534.

5 On Busembaum see T. B. Barrett, S.J., in the *Cath. Encyclopedia*, Vol. III, pp. 86 sq.—Busembaum's *Medulla Theologiae Moralis Facili ac Perspicuâ Methodo Resolvens Casus Conscientiae ex Variis Probatisque Auctoribus Concinnata* was originally published in one volume at Münster, 1650. Altogether there have been more than 200 editions of this work. The latest (*"iuxta editionem ultimam S. Congr. de Prop. Fide"*) appeared at Tournay, 1876, in two volumes. This much misrepresented treatise formed the basis for the moral theologies of Lacroix, Zaccaria, St. Alphonsus, Ballerini-Palmieri, and others.—Cfr. B. Duhr, S.J., *Jesuitenfabeln*, 4th ed., Freiburg 1904.

6 Lacroix taught at Münster and Cologne. His *Theologia Moralis* (9 vols., Cologne 1707–14) is based on Busembaum and was attacked in Germany, France, and Italy. J. A. Zaccaria, S.J., defended Lacroix's teaching in his *Apologie de la Théologie Morale*, 1758.

7 Cfr. G. F. Johnson in the *Cath. Encyclopedia*, Vol. I, p. 583.—Antoine was an opponent of Probabilism. St. Alphonsus says of him: *"Inter rigidos auctores non infimum tenet locum."* In spite of its rigorism, however, Antoine's *Theologia Moralis Universa ad Usum Parochorum et Confessariorum* (Nancy 1726) went through nine editions during the author's life and ten after his death. The last of these, published in Rome, 1747, was prescribed by Benedict XIV as the official textbook of Moral Theology for the College of the Propaganda.

8 Reuter taught theology at Treves. His *Neo-Confessarius* (re-edited by

Mazotta (+ 1737),[9] Edmund Voit (+ 1780);[10] the Salmanticenses;[11] the Franciscans Patrick Sporer (+ 1683),[12] Benjamin Elbel (+ 1756),[13] Anaclete Reiffenstuel (+ 1703);[14] Louis Abelly (+ 1691);[15] St. Alphonsus Maria de' Liguori

A. Lehmkuhl, S.J., in 1905) is still in use. His *Theologia Moralis Quadripartita* appeared at Cologne in 1750; his *Casus Conscientiae, ibid.*, 1753.

9 His *Theologia Moralis* (4 vols., Naples 1748; Augsburg 1756) was burnt by order of Parliament at Paris (1763) because of its "laxism."

10 Voit's *Theologia Moralis* appeared at Würzburg, Bavaria, where he was a university professor, in 1750, and passed through at least ten editions (Würzburg, Bassano, Rome, Paris). Gury calls him "*probabilista moderatus, doctrinâ et in primis practicis resolutionibus commendatus.*" Hurter subscribes to this praise, but adds: "*Nitidior tamen rerum expositio et magis ordinata methodus in opere desideratur.*" (*Nomenclator Lit. Theol. Cath.*, 3rd ed., Vol. V, Part 1, col. 234 sq.)

11 The Salmanticenses were a group of theologians of the Order of Discalced Carmelites, teaching and writing at Salamanca in Spain at the end of the sixteenth and the beginning of the seventeenth century. They made strict adherence to Thomism their fundamental principle. Their *Cursus Theologiae Moralis* was begun in 1665 by Francisco de Jesus-Maria and completed by Alonso de los Angeles. Cfr. B. Zimmerman, O.D.C., in the *Cath. Encyclopedia*, Vol. XIII, pp. 401 sq.; H. Hurter, S.J., *Nomenclator Literarius Theologiae Catholicae, Theologos Exhibens Aetate, Natione, Disciplinis Distinctos*, Vol. IV, 3rd ed., Innsbruck 1910, pp. 275 sq., 1296 sq.

12 Sporer taught theology for many years at Passau in Bavaria. He is the author of numerous works, chief among them *Theologia Moralis Decalogalis et Sacramentalis*, 3 vols. in folio, Würzburg 1681, re-edited at Salzburg, 1692, latest edition by J. Bierbaum, O.F.M., Paderborn 1901 sqq.—For a short biographical sketch of Sporer see the *Cath. Encyclopedia*, Vol. XIV, p. 236.

13 Elbel's *Theologia Moralis per Modum Conferentiarum* (Venice 1733) was highly esteemed and often quoted by St. Alphonsus. It has been re-edited in three volumes by J. Bierbaum, O.F.M., Paderborn, 3rd ed., 1904 sqq. This book is still a favorite with confessors. Cfr. Buchberger's *Kirchliches Handlexikon*, Vol. I, Munich 1907, col. 1265.

14 Reiffenstuel (see *Cath. Encyclopedia*, Vol. XII, pp. 724 sq.) is best known as a canonist. His *Theologia Moralis*, first published at Munich, in 1692, passed through thirty editions, most notable among them those prepared by his fellow-Franciscan, M. Kresslinger (Modena 1740; Munich 1742). The edition issued by Flavianus Ricci à Cimbria (Augsburg 1777) makes Reiffenstuel a Probabiliorist. In reality he was a Probabilist.

15 Abelly was appointed bishop of Rodez in 1664, but resigned his see in 1666 and attached himself to St. Vincent de Paul, whose biographer he became. His famous *Medulla Theologica* (1651) went through

(+ 1787);[16] the Dominicans Didacus Alvarez (+ 1635),[17] Daniel Concina (+ 1756),[18] and J. V. Patuzzi (+ 1769).[19] The great work of the Wirceburgenses, which first appeared at

many editions. One appeared at Ratisbon as late as 1839. According to St. Alphonsus, Abelly is "a classic in probabilism." (Cfr. T. J. Campbell, S.J., in the *Cath. Encyclopedia*, Vol. I, p. 39).

16 Liguori's famous Moral Theology first appeared at Naples, in 1748, under the title, *Medulla Theologiae Moralis R. P. Busembaum S.J. cum Adnotationibus per R. P. Alphonsum de Ligorio*. The second edition was entitled, *Theologia Moralis Concinnata a R. P. Alphonso de Ligorio . . . per Appendices in Medullam R. P. H. Busembaum*, Naples 1753. The third and following editions appeared in Venice (1756 sqq.). The ninth, published in 1785, received ecclesiastical approval in 1803. Recent editions by M. Heilig (Malines 1845, Paris 1857), M. Haringer (8 vols., Ratisbon 1846–47, 2nd ed., Paris 1879–81); Le Noir (4 vols., Paris 1875, 2nd ed., 1884); and L. Gaudé (3 vols., Rome 1905 sqq.). Second in importance among the Saint's moral writings is his compendium entitled *Istruzione e Pratica per li Confessori* (1757), republished in Latin under the title, *Homo Apostolicus Instructus in Sua Vocatione ad Audiendas Confessiones*, in 1759. Besides, St. Alphonsus wrote a large number of dogmatic and ascetical works. His Letters (*Lettere di Alphonso di Liguori*, 3 vols., Rome 1887; German ed., Ratisbon 1892–94) are concerned almost entirely with the spiritual conflicts going on in his time. (Cfr. H. Castle, S.J., in the *Cath. Encyclopedia*, Vol. I, pp. 334 sqq.; Buchberger, *Kirchliches Handlexikon*, Vol. I, p. 138).

17 Archbishop of Trani, 1616–35, chiefly known as a commentator of St. Thomas and defender of the Thomistic teaching against the Molinists. (Cfr. Hurter, *Nomenclator Lit. Theol. Cath.*, 3rd ed., Vol. III, col. 659 sqq.)

18 Concina was a famous preacher. His literary activity was confined chiefly to moral topics. His *Storia del Probabilismo e Rigorismo* (Venice 1743), being directed against the Jesuits, naturally gave rise to controversy, which reached a climax when Concina, under the auspices of Benedict XIV, published his *Theologia Christiana Dogmatico-Moralis*, 12 vols. in 4to, Rome and Venice 1749–51. For a brief account of this controversy and Concina's later career see Jos. Schroeder, O.P., in the *Cath. Encyclopedia*, Vol. IV, pp. 191 sq.

19 Patuzzi was a prolific writer. Some of his works appeared pseudonymously (Eusebio Eraniste, Adelfo Dositeo). He was a violent opponent of Probabilism and published two pamphlets against St. Alphonsus: *La Causa del Probabilismo* (Ferrara 1764) and *Osservasioni Teologiche* (*ibid.* 1765). His principal work is the *Ethica Christiana sive Theologia Moralis*, 3 vols., folio, Bassano 1760; new ed., 16 vols., 8vo, Venice 1770. (Cfr. Buchberger's *Kirchliches Handlexikon*, Vol. II, col. 1369 sq.; Hurter, *Nomenclator Lit. Theol. Cath.*, 3rd ed., Vol. V, Part I, col. 226 sqq.)

Würzburg, Bavaria, in 1766–71 and was reprinted in Paris nearly a century later, is deserving of special mention.[20]

Notable monographs on various ethical topics were composed by Francis Suarez, S.J.,[21] Cardinal John de Lugo, S.J. (+ 1660),[22] Thomas Sanchez, S.J. (+ 1610),[23] Martin Bonacina

20 The *Theologi Wirceburgenses* were four eminent Jesuit professors of theology,—Henry Kilber (+ 1782), Theodore Holtzclau (+ 1783), Ignatius Neubauer (+ 1795), and Ulric Munier or Müller (+ 1759). Their *magnum opus* (14 volumes, Würzburg 1766–1771, new edition, 10 vols., Paris 1879–80) constitutes a complete course of dogmatic and moral theology and is characterized by clearness and solidity of thought. In the Paris edition of 1879–80, Vol. V contains *De Beatitudine, De Actibus Humanis,* and *De Legibus* (by Neubauer); Vol. VI, *De Iure et Iustitia* (by Holtzclau); Vol. VII, *De Peccatis, De Gratia, De Justificatione,* and *De Merito* (by Kilber); Vol. VIII, *De Virtutibus Theologicis* (by Kilber). Vols. IX and X contain the treatises on the Sacraments. Cfr. K. Werner, *Geschichte der kath. Theologie,* pp. 242 sq.; Herder's *Kirchenlexikon,* Vol. XII, col. 1706–08; Hurter, *Nomenclator Lit. Theol. Cath.,* 3rd ed., Vol. V, Part 1, n. 133 (col. 262 sqq.); A. Ruland, *Series et Vitae Professorum SS. Theol., qui Wirceburgi docuerunt,* Würzburg 1835.

21 *De Legibus, De Triplici Virtute Theologica, De Virtute Religionis.*—On the life and writings of this famous theologian, who founded a school of his own in Scholasticism, see Goyena's article in the *Cath. Encyclopedia,* Vol. XIV, pp. 319 sq.

22 *Disp. de Virtute Fidei Divinae, De Poenitentia, De Iustitia et Iure, Responsorum Moralium Diversorum Libri Sex,* etc.—"Endowed with uncommon speculative genius and clear, practical judgment, he [John de Lugo] in many instances pointed out entirely new paths towards the solution of moral questions. Speaking of his Moral Theology, St. Alphonsus styles him 'by all odds leader after St. Thomas.'" (Lehmkuhl in the *Cath. Encyclopedia,* Vol. XIV, p. 607).

23 Sanchez' chief work, and the only one he himself edited, is the *Disputationes de Sacramento Matrimonii* (Genoa 1602), of which Fr. Wernz, late General of the Society of Jesus, says (*Ius Decretalium,* IV, n. 20) that it is even to-day reckoned by the Roman Curia among the classical works on marriage. Strangely enough, the third volume appears on the Index. Even in the earlier editions of the Index, as revised by Leo XIII, till his Constitution *"Officiorum et munerum,"* may still be read: *"Sanchez, Thom. Disputationum de Sacramento Matrimonii tom. III. ed. Venetiae, sive aliarum, a quibus l. 8 disp. 7 detractus est integer num. 4. Decr. 4 Feb. 1627."* This number, as Fr. Lehmkuhl explains (*Cath. Encycl.,*

(+ 1631),[24] Peter Hurtado de Mendoza, S.J. (+ 1631),[25] Dominic Soto, O.P. (+ 1560),[26] Louis de Molina, S.J. (+ 1600),[27] Leonard Lessius, S.J. (+ 1623),[28] and John de Dicastillo, S.J. (+ 1653).[29]

b) The chief exponents of the casuistic method were Martin de Azpilcueta, known as "Doctor Navarrus" (+1586), whose *Manuale Confessariorum* was highly esteemed; Francisco de Toledo, S. J. (+ 1596), philosopher, theologian, and exegete, who besides many other valuable works wrote a comprehensive *Summa Casuum;*[30] Louis

XIII, 428), which was omitted from the Venice edition of 1614, treats of the power of the Pope to grant a valid legitimation, through the so-called *sanatio in radice*, of the offspring of marriages invalid only through Canon Law.

24 Bonacina was Bishop of Utica. He died on the way to Vienna, where he was to serve as Apostolic nuncio. He wrote a *Theologia Moralis* (2 vols., Lyons 1624), of which the treatise *De Legibus* has attained fame.

25 He wrote *Scholasticae et Morales Disputationes de Tribus Virtutibus Theologicis*, 2 vols., folio, Salamanca 1631.—Hurter says of him: *"Ingenio fuit acerrimo, doctrinâ eximiâ, quem doctissimus Ripalda semper magistrum veneratus est."* (*Nomenclator Lit. Theol. Cath.*, 3rd ed., Vol. III, col. 927).

26 *De Iustitia et Iure Libri Decem*, Salamanca 1556.—On Soto see Ch. J. Callan, O.P., in the *Cath. Encyclopedia*, Vol. XIV, pp. 152 sq.

27 For a good sketch of Molina's life see J. Pohle in the *Cath. Encyclopedia*, Vol. X, pp. 436 sq. There is no modern critical biography of this learned and renowned theologian. His treatise *De Iustitia et Iure* (Cuenca 1593), a classic, is frequently quoted at the present time (7 vols., Venice 1614; 5 vols., Cologne 1733).

28 Lessius was a Flemish Jesuit and a theologian of high repute. His chief moral works are: *De Iustitia et Iure*, published in 1605 and subsequently in many editions; *De Summo Bono* (Antwerp 1616), and *De Perfectionibus Moribusque Divinis Libri XIV* (Antwerp 1620).—Cfr. J. de Ghellinck in the *Cath. Encyclopedia*, Vol. IX, pp. 192 sq.

29 Dicastillo was of Spanish descent. He taught at Naples and Ingolstadt, wrote *Tractatus Duo de Iuramento, Periurio et Adiuratione, necnon de Censuris et Poenis Ecclesiasticis* (Antwerp 1662) and *De Iustitia et Iure Ceterisque Virtutibus Cardinalibus Libri Duo* (Antwerp 1641).

30 This author is more commonly

Lopez, O.P. (+ 1596), author of a book entitled *Instructorium Conscientiae;*[31] Emanuel Sa, S.J. (+ 1596), whose *Aphorismi Confessariorum* ran through many editions;[32] Valerius Reginald, S.J. (+ 1623), whose *Praxis Fori Poenitentialis*[33] and other writings were praised by St. Francis de Sales and led St. Alphonsus to rank the author among the classics of Moral Theology;[34] and Stephen Bauny, S.J. (+ 1649), author of a *Summa Casuum Conscientiae,* who owes his fame mainly to Pascal.[35]

The abuses incident to the one-sidedly casuistical treatment of Moral Theology were combatted by Prosper Lambertini, later Pope Benedict XIV (*De Synodo Dioecesana, Institutiones*

known as Toletus. His *Summa* appeared at Lyons in 1599 and passed through forty-six editions and many translations (Spanish by Juan de Salas; Italian by Andreo Verna; French by Goffar); also summaries in Latin, Spanish, French, and Italian. (Cfr. Goyena, in the *Cath. Encyclopedia,* Vol. XIV, pp. 760 sq.)

31 Salamanca 1585; repeatedly reprinted. Lopez also wrote *De Contractibus et Negotiationibus, ibid.* 1592.

32 Venice 1596. The book was put on the Index in 1603, because of its defense of the validity of confession by letter; released, 1608. (H. Reusch, *Der Index der verbotenen Bücher,* Vol. II, 1, pp. 312 sq.; Hurter, *Nomenclator Lit. Theol. Cath.,* 3rd ed., Vol. III, col. 223 sq.)

33 2 vols., Lyons 1616.

34 Cfr. Buchberger, *Kirchliches Handlexikon,* Vol. II, col. 1707.

35 Bauny was highly esteemed for his learning and holiness. His "knowledge of Moral Theology was singularly profound, but he was in many points too lenient," says Fr. T. Barrett, S.J. (*Cath. Encyclopedia,* Vol. II, p. 352). Bauny's principal works were: *Pratique du Droit Canonique au Gouvernement de l'Eglise* (Paris 1634) and *Somme des Péchés qui se commettent en tous États* (Paris 1630). These two books, as well as the first part of Bauny's Moral Theology, were put on the Index. (Cfr. Hurter, *Nomenclator Lit. Theol. Cath.,* 3rd ed., Vol. III, col. 1186 sq.). It was mainly Bauny's teaching that the enemies of the Jesuits exploited in order to convict the Society of laxism.

Ecclesiasticae, Quaestiones Canonicae), and especially by St. Alphonsus de' Liguori, who subjected the views of the casuists to a thorough criticism and separated the wheat from the chaff.

c) Speculative mysticism having fallen into disrepute in the course of the previous period, the exponents of mystic theology now turned their attention to ascetics. The following writers deserve mention as safe guides on the way of Christian perfection:

Francis Louis de Blois, a Flemish Benedictine abbot, more widely known by the Latinized form of his name, Blosius (+ 1566);[36]

Louis of Granada, O.P. (+ 1588), called by St. Francis de Sales "the prince of spiritual writers";[37]

36 De Blois' writings are numerous. They were first published in a complete edition at Louvain, in 1568, and many of them have been frequently reprinted and translated. In the English-speaking world he is known principally by his *Mirror for Monks* (*Speculum Monachorum*), translated into English by Sir John Coleridge, 1872, the *Book of Spiritual Instruction* (London 1900), and *Comfort for the Fainthearted* (London 1902), the latter two works translated by Father Bertrand Wilberforce, O.P. (Cfr. G. Cyprian Alston, O.S.B., in the *Cath. Encyclopedia*, Vol. II, p. 604).

37 A famous preacher and theologian, provincial of the Portuguese Dominicans, confessor and counsellor to the queen regent. He declined the honors of the cardinalate offered him by Sixtus V. "Among the hundreds of eminent ascetical writers of Spain, Louis of Granada remains unsurpassed in the beauty and purity of his style, the solidity of his doctrine, and the popularity and influence of his writings." (J. B. O'Connor, S.J., in the *Cath. Encyclopedia*, Vol. IX, p. 385). Nearly all of his works were translated into the various European languages, and several into Turkish and Japanese. The best known of his books is *La Guia de Pecadores* (Bajadoz 1555), which has been favorably compared to the *Imitation* of Thomas à Kempis. A new and revised English ed., New York 1889. The first part of *The Sinner's Guide*, entitled *Counsels on Holiness of Life*, was edited by Shipley in *The Ascetic Library*,

St. Teresa of Jesus (+ 1582), whose autobiographical writings have been compared to the Confessions of St. Augustine;[38]

St. John of the Cross (+ 1591), co-founder, with St. Teresa, of the Discalced Carmelites, whose system has been described as "empirical mysticism";[39]

Lorenzo Scupoli, Theatine (+ 1610), whose *Spiritual Combat* is still widely used for purposes of devotion;[40]

Alonzo Rodríguez, S.J. (+ 1616), whose *Practice of Christian and Religious Perfection*

Vol. VIII, London 1869. It contains a brief sketch of the author's life. (*V.* O'Connor, *l.c.*)

38 For a life and list of her writings see B. Zimmerman, O.D.C., in the *Cath. Encyclopedia,* Vol. XIV, pp. 515 sqq.—The most recent English translations are by Lewis, *Life and Relations,* ed. Zimmerman, 4th ed., London 1911; *The Interior Castle, Exclamations,* and *The Way of Perfection,* tr. by the Benedictines of Stanbrook, ed. Zimmerman; the two former, London 1906, the latter, London 1911. Cfr. Burke, *St. Teresa,* New York 1911.

39 For a sketch of his life and writings see B. Zimmerman, O.D.C., in the *Cath. Encyclopedia,* Vol. VIII, pp. 480 sq. English tr. of John's works by D. Lewis, London 1864, with an introduction by Wiseman; revised by the translator and reprinted, London 1889, in 4 vols., with introductions by Fr. Zimmerman. Of his life by Lewis, Fr. Zimmerman says (*ibid.,* p. 481): "The *Life of St. John of the Cross* (London 1889), compiled from all his Spanish biographers and from other sources, by D. Lewis, is excellent; but what is most wanted now is a biography founded upon the depositions of witnesses in the process of beatification. Not until that work is done shall we have a true picture of the saint."

40 On Scupoli see Kaulen in Herder's *Kirchenlexikon,* Vol. XI, col. 18; Hurter, *Nomenclator Lit. Theol. Cath.,* 3rd ed., Vol. III, col. 616. He entered the Theatine Order at the age of forty and became a much sought confessor, until forced to retire by calumnies (*"calumniis, quibus non liquet,"* says Hurter, *l.c.*), was reduced to the lay state by a general chapter of his Order, and spent the remaining twenty-five years of his life in humble retirement. The *Combattimento Spirituale* first appeared anonymously at Venice, in 1589. It has seen innumerable editions and been translated into nearly all European languages.

has been a source of untold consolation to religious and laymen throughout the world;[41]

Cardinal Robert Bellarmine (+ 1621), the distinguished Jesuit theologian, whose devotional writings were the fruit of his annual retreats;[42]

Ven. Louis de Lapuente, or De Ponte, S.J. (+ 1624), known to English readers mainly by his *Christian Life* and *Meditations on the Mysteries of Our Holy Faith;*[43]

Cardinal John Bona, a Cistercian (+ 1674), whose best known ascetical works are his *Manuductio ad Caelum* and his treatise on the Sacrifice of the Mass;[44]

41 A short life of this popular spiritual writer is prefixed to the English translation of *The Practice of Christian and Religious Perfection*, London 1861. John Gilmary Shea left a translation which has never been published. Fr. Th. Slater has contributed a biographical sketch of Rodriguez to the *Cath. Encyclopedia*, Vol. XIII, p. 109. He says of the *Practice:* "It is a book of practical instructions on all the virtues which go to make up the perfect Christian life, whether lived in the cloister or in the world. It became popular at once, and it is as much used to-day as it was when it first became known. More than twenty-five editions of the original Spanish have been issued, besides extracts and abridgments. More than sixty editions have appeared in French in seven different translations, twenty in Italian, at least ten in German, and eight in Latin. An English translation from the French by Fr. Antony Hoskins, S.J., was printed at St. Omer in 1612. The best known English translation, often reprinted, is that which first appeared in London, 1697, from the French of Abbé Regnier des Marais."

42 Bellarmine's spiritual writings are mainly five, *viz.: De Ascensione Mentis ad Deum* (1615), *De Aeterna Felicitate Sanctorum* (1616), *De Gemitu Columbae* (1617), *De Septem Verbis Christi* (1618), and *De Arte Bene Moriendi* (1620).—On Bellarmine see S. F. Smith, S.J., in the *Cath. Encyclopedia*, Vol. II, pp. 411 sqq.

43 On Lapuente see H. J. Swift's article *s. v.* in the *Cath. Encyclopedia*, Vol. IX, p. 3.

44 The *Manuductio* has been compared to the *Imitation* of Thomas à Kempis on account of its simplicity. It appeared in 1658 and in four decades passed through fourteen Latin editions. It has been translated into Italian, French, German, Spanish, and Armenian. An English translation, by Sir Robert

St. Francis de Sales (+ 1622), Bishop of Geneva and Doctor of the Universal Church, whose *Traité de l'Amour de Dieu,* also known as *Introduction à la Vie Dévote,* was translated into nearly all civilized languages and went through innumerable editions.[45]

An excellent introduction to ascetic theology is the *Direttorio Ascetico* of J. B. Scaramelli, S.J. (+1752), translated into English by Eyre.[46]

2. In the second half of the eighteenth century Moral Theology was detached from its supernatural basis and almost completely identified with moral philosophy. Catholic as well as Protestant theologians, especially in Germany, succumbed to the influence of Rationalism, as embodied in the philosophical systems of Leibnitz,[47] Wolff, Kant, and Fichte,[48] and based their moral teaching exclusively on "practical reason." Thus Moral Theology lost its Christian and ec-

L'Estrange, appeared in London, 1900, under the title, *A Guide to Eternity*. Other well known ascetical works by the same author are: *Via Compendii ad Deum* (1657), *Principia et Documenta Vitae Christianae* (1673), and *Horologium Asceticum* (1676).—See the *Cath. Encyclopedia,* Vol. II, pp. 645 sq.

45 A complete critical edition of the writings of St. Francis de Sales appeared at Annecy, 1892 sqq. The *Traité de l'Amour de Dieu* originally appeared at Lyons in 1608.

46 Best edition, Ratisbon 1883, 3 vols.; English translation, *The Directorium Asceticum, with Preface by Cardinal Manning,* Dublin and London, 1870–71; new, revised ed., London 1879–81; Latin translation, Brixen 1770; Louvain 1848; German translation, Augsburg 1778; Spanish, Madrid 1806; French, Paris 1854.—For a brief sketch of Scaramelli's life see H. Ollion, in the *Cath. Encyclopedia,* Vol. XIII, p. 514.

47 Cfr. Wm. Turner, *History of Philosophy,* Boston 1903, pp. 506 sqq.

48 Turner, *op. cit.,* pp. 525, 528 sqq., 550 sqq.

clesiastical character. The teachings of Revelation were respected only in so far as they were considered useful in advancing morality and correcting the disproportion existing between virtue and happiness in this life.

Moral Theology was restored to its pristine character and dignity by Benedict Stattler, S.J. (+ 1797),[49] A. N. Oberrauch, O.F.M. (+ 1808),[50] M. von Schenkl, O.S.B. (+ 1816),[51] J. A. Stapf (+ 1844),[52] and especially J. M. Sailer, Bishop of Ratisbon (+ 1832) [53] and J. B. Hirscher (+ 1865).[54]

a) Of recent writers the following have treated Moral Theology positively and systematically, without however neglecting casuistry

49 *Ethica Christiana Universalis*, Ingolstadt 1772; *Ethica Christiana Communis*, 3 vols. in 6 parts, Augsburg 1782; *Vollständige christliche Sittenlehre*, 2 vols., Augsburg 1791. —On Stattler see A. C. Cotter, S.J., in the *Cath. Encyclopedia*, Vol. XIV, p. 282.

50 Oberrauch is also known by his name in the Franciscan Order, "Herculanus." His principal work is *Institutiones Iustitiae Christianae sive Theologia Moralis*, in 4 vols., Innsbruck 1794. It was placed on the Index in 1796, but the censure was not enforced against a new revised edition published at Bamberg and Nuremberg in 1797–98. (*V.* Herder's *Kirchenlexikon*, Vol. IX, col. 592).

51 *Ethica Christiana Universalis*, 3 vols., 1800; 5th ed., Gran 1830. (Cfr. Buchberger, *Kirchliches Handlexikon*, Vol. II, col. 1959).

52 *Theologia Moralis*, 1827–31; 7th ed., 4 vols., 1855. The same in German, *Die christliche Moral*, 4 vols., 1841–42. (Buchberger, *op. cit.*, II, 2194).

53 Sailer was a much misjudged man, but he has been rehabilitated of late years. (*V.* R. Stölzle in the *Cath. Encyclopedia*, Vol. XIII, p. 328; Buchberger's *Kirchliches Handlexikon*, Vol. II, col. 1883 sq.). Sailer's *Handbuch der christlichen Moral* appeared in 3 vols. at Munich, 1817–18, and was reprinted at Sulzbach in 1834.—See Ph. Klotz, *Sailer als Moralphilosoph*, Paderborn 1909.

54 On Hirscher see Goyau in the *Cath. Encyclopedia*, Vol. VII, pp. 363 sqq. His chief moral work is, *Die christliche Moral als Lehre von der Verwirklichung des göttlichen Reiches in der Menschheit*, Tübingen 1835; 5th ed., 3 vols., 1851.

and the practical application of moral principles: Fr. Probst (+ 1899),[55] B. Fuchs,[56] Conrad Martin, Bishop of Paderborn (Germany) (+ 1879),[57] Karl Werner (+ 1888),[58] M. Jocham (+ 1893),[59] F. Friedhoff,[60] A. Rietter (+ 1866),[61] Archbishop Th. H. Simar of Cologne (+ 1902),[62] J. E. Pruner (+ 1907),[63] Thomas J. Bouquillon (+ 1902),[64] F. X. Linsenmann, Bishop of Rottenburg (+ 1898),[65] J. Schwane (+ 1892),[66] J. Scheicher,[67] J. Rappenhöner,[68] P. Michel,[69] and F. M. Schindler.[70]

b) The following authors employ the Scholastic method and aim to satisfy mainly the prac-

55 *Kath. Moraltheologie*, 2 vols., Tübingen 1848–50, 2nd ed., 1853.

56 *System der christlichen Sittenlehre*, Augsburg 1851.

57 *Lehrbuch der kath. Moral*, Mayence 1849; 5th ed., 1865.

58 *System der christlichen Ethik*, 3 vols., Ratisbon 1850–52; Vol. I, 2nd ed., 1888; *Enchiridion Theologiae Moralis*, Vienna 1863.

59 *Moraltheologie*, 3 vols., Sulzbach 1852–54.

60 *Allgemeine Moraltheologie*, Ratisbon 1860; *Spezielle Moraltheologie*, 1865.

61 *Breviarium der christl. Ethik*, Ratisbon 1866.

62 *Lehrbuch der Moraltheologie*, Freiburg 1867; 3rd ed., 1893.

63 *Kath. Moraltheologie*, Freiburg 1875; 3rd ed., 1902–03, 3 vols.

64 Dr. Bouquillon is remembered in this country, where he taught Moral Theology in the Catholic University of America. His *magnum opus* is: *Institutiones Theologiae Moralis*, Vol. I: *Theologia Moralis Fundamentalis*, Bruges 1873, 3rd ed., 1903; Vol. II: *De Virtutibus Theologicis*, 1878, 2nd ed., 1890; Vol. III: *De Virtute Religionis*, 1880, 2nd ed., 1890.

65 Dr. Linsenmann died as Bishop elect of Rottenburg (Würtemberg). His *Lehrbuch der Moraltheologie* (Freiburg 1878) exercised great influence upon contemporary theology. The reader will notice that he is frequently quoted in this Handbook.

66 *Allgemeine Moraltheologie*, Freiburg 1885; *Spezielle Moraltheologie*, 1878; 2nd ed., 1885.

67 *Allgemeine Moraltheologie*, Ratisbon 1885.

68 *Allgemeine Moraltheologie*, Münster 1891–93.

69 *Theologiae Moralis Principia*, 2 vols., Paris 1900–02.

70 *Lehrbuch der Moraltheologie*, 3 vols., Vienna 1907 sqq.

tical needs of the confessor: J. P. Gury, S.J. (+ 1866),[71] P. Scavini (+ 1869),[72] E. M. Müller (+ 1888),[73] J. d'Annibale (+ 1892),[74] C. Marc (+ 1887),[75] Aug. Lehmkuhl, S.J.,[76] J. Aertnys, C.SS.R.,[77] J. Bucceroni, S.J.,[78] A. Ballerini, S.J., and Dom. Palmieri, S.J.,[79] G. B. Tepe, S.J. (+ 1894),[80] F. A. Göpfert (+ 1916),[81] H. Nol-

71 *Compendium Theologiae Moralis*, 2 vols., Lyons and Paris 1850; Ratisbon 1857; 5th ed., 1874; new ed., enlarged by H. Dumas, 5th ed., Freiburg i. B. 1891; revised by A. Ballerini, S.J. (+ 1881), Rome 1874; 6th ed., 1882; revised by Dom. Palmieri, S.J., 14th ed., 1902; adapted to American conditions by A. Konings, C.SS.R. (*Theologia Moralis*, Boston 1874, 2nd ed., 2 vols., New York 1876; two later editions by H. Kuper, C.SS.R.; for a biographical sketch of Konings see the *Cath. Encyclopedia*, Vol. VIII, pp. 690 sq.); again adapted to American conditions and condensed by Aloysius Sabetti, S.J., New York 1884; frequently revised and re-edited since by T. Barrett, S.J.; 22nd ed., New York 1915.—A Spanish edition of Gury's *Compendium*, with many additions, has been published by J. B. Ferreres, S.J., 3rd ed., Barcelona 1906.—For a brief sketch of Gury's life see J. Salsmans, S.J., in the *Cath. Encyclopedia*, Vol. VII, p. 89. For a refutation of certain calumnies circulated against his work, cfr. B. Duhr, S.J., *Jesuitenfabeln*, 4th ed., Freiburg 1904, pp. 474 sqq.

72 *Theologia Moralis Universa ad Mentem S. Alphonsi*, 4 vols., 3rd ed., Novara 1847, 11th ed., Milan 1901; *Theologia Moralis in Compendium Redacta* by I. A. Del Vecchio, 2 vols., 5th ed., Milan 1902.

73 *Theologia Moralis*, 3 vols., Augsburg 1868–70, later editions by A. Schmuckenschläger (+ 1908).

74 *Summula Theologiae Moralis*, 3 vols., Milan 1881–83; 5th ed., Rome 1908; *Supplementum* by D. Mannajoli, Rome 1909.

75 *Institutiones Morales Alphonsianae*, 2 vols., Rome 1885; 13th ed., 1906, edited by J. Kannengiesser.

76 *Theologia Moralis*, 2 vols., Freiburg i. B., 1883–84; 11th ed. ("*de integro revisa, refecta, adaucta*"), *ibid.*, 1910; *Compendium Theol. Mor.*, *ibid.*, 1886, 5th ed., 1907. Lehmkuhl is probably the most frequently quoted and the most highly esteemed of present-day moralists.

77 *Theologia Moralis iuxta Doctrinam S. Alphonsi*, Tournay 1887, 7th ed., 1906.

78 *Institutiones Theologiae Moralis*, 4 vols., Rome 1887, 6th ed., 1914–15. (*V. La Civiltà Cattolica*, 1917, quad. 1601, pp. 604 sqq.)

79 *Opus Theologicum Morale in Busembaum Medullam*, 7 vols., Prati 1889–91, 3rd ed., 1902–03.

80 *Institutiones Theologiae Moralis Generalis*, 2 vols., Paris 1899.

81 *Moraltheologie*, 3 vols., Paderborn 1897–98; Vols. I and II in 6th ed., 1909; Vol. III in 5th ed., 1906.

din, S.J.,[82] H. Gatterer (a Sexten), S.J. (+ 1899),[83] D. Delama,[84] J. C. Vives,[85] E. Berardi,[86] A. Bulot,[87] A. Tanquery,[88] and J. Busquet,[89] to whom we must add an eminent American theologian, the Most Reverend Francis Patrick Kenrick, Archbishop of Baltimore (+ 1863), whose *Theologia Moralis* did such splendid service to the American clergy during the latter half of the nineteenth century.[90]

82 *Summa Theologiae Moralis*, 3 vols., Innsbruck 1901–02, 7th ed., 1908 (a splendid treatise).

83 *Compendium Theologiae Moralis*, Messina 1899, 2nd ed., Stuttgart 1900, 3rd ed., 1902.

84 *Institutiones Theologiae Moralis*, 2 vols., Trent 1902.

85 *Compendium Theologiae Moralis*, 8th ed., Rome 1904. Vives has also written an excellent *Compendium Theologiae Ascetico-Mysticae*, 3rd ed., Rome 1908.

86 *Theologia Moralis Fundamentalis*, Faenza 1905; *Praxis Confessariorum*, 4 vols., *ibid.*, 1905.

87 *Compendium Theologiae Moralis*, 2 vols., Paris 1905.

88 *Synopsis Theologiae Moralis et Pastoralis ad Mentem S. Thomae et S. Alphonsi*, 2 vols., 2nd ed., Tournay and Lille 1904–05.

89 *Thesaurus Confessarii*, 4th ed., Paris 1909.

90 Kenrick's *Theologia Moralis* first appeared at Philadelphia. We have before us the second, revised edition, 2 vols., Malines 1860–61. Hurter (*Nom. Theol. Cath.*, Vol. V, 3rd ed., Innsbruck 1911, col. 1152) does not mention the date of the first edition, but says that the second was published at Mayence (?). He calls the work "*valde practica.*" John J. O'Shea, in his article on Kenrick in Vol. VIII, pp. 618 sq. of the *Cath. Encyclopedia* is indefinite and inaccurate. Kenrick follows St. Alphonsus, whose very words he frequently adopts. He says in the "Prooemium" (2d ed., Vol. I, p. XIV): "*Inter recentiores ethices cultores eminet S. Alphonsus de Ligorio, qui saeculo proxime elapso floruit, nostrâ aetate sacris Ecclesiae honoribus auctus. Evolvisse videtur libros fere omnes de hac disciplina tractantes, scientiae adiungens rerum peritiam; per annos enim plurimos in animarum cura versabatur: adeo ut studii et exercitii fructus in Theologia Morali quam scripsit, nobis reliquerit. Hanc semper prae manibus habuimus; dum opus hoc nostrum qualecumque pararemus, eiusque exscripsimus saepe saepius verba, secuti libenter auctoritatem, quam magnam esse constat ex S. Poenitentiariae responsis (die 5 Iulii 1851), et etiam ex Pii IX. documentis. Nostro tamen usi sumus iudicio, tenui licet et infirmo, cui nihil petimus fidendum, nisi quatenus suffragetur auctoritas et rationum momenta.*"

c) Of special value from the standpoint of particular casuistics are the *Casus Conscientiae* of J. P. Gury,[91] P. Villada,[92] J. Bucceroni,[93] E. Génicot,[94] A. Lehmkuhl, S.J.;[95] the *Consultazioni* of C. Gennari,[96] and the *Theologiae Moralis Institutiones* by Génicot and J. Salsmans, S.J.[97] In this connection we may also mention the collection of cases in Moral and Pastoral Theology, published under the title, *The Casuist,* by J. F. Wagner, New York (1906–1917; ed. by J. A. McHugh, O.P., and others).

Of these casuistic writings it has been said: "A man is not a competent moralist unless he has consulted collections of this kind."[98] Note, however, that casuistry, though it has been at times cultivated to excess and in a one-sided manner, has never supplanted scientific Moral Theology. The value of casuistry lies entirely within the domain of the penitential discipline. Casuistry has its place in theology as well as in jurisprudence and medicine. Everything depends on the spirit in which it is applied and the dogmatic principles upon which it is based.[99]

91 Ratisbon 1862; 8th ed., Freiburg i. B. 1891.

92 Bruxelles 1885.

93 2 vols., Rome 1894–95; 6th ed., 1913.

94 2 vols., Louvain 1901.

95 2 vols., Freiburg i. B. 1902–03; 3rd ed., 1907.

96 2 vols., 2nd. ed., Rome 1902–04.

97 2 vols., 6th ed., Bruxelles 1909.

98 *"On n'est jamais un moraliste complet, quand on n'a pas consulté des recueils de cette sorte."* (*L'Université Catholique,* XLI [1902], p. 310).

99 Casuistry, says Abbé Hogan (*Clerical Studies,* 2nd ed., p. 224 sq.), "is not confined to moral sci-

READINGS.—Thos. Slater, S.J., *A Short History of Moral Theology*, New York 1909, pp. 44–50.—A Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., Haaren 1910, pp. 8 sqq.

ence; it is the outgrowth of all legislation. Wherever there is a code, casuistry of a kindred kind grows up around it. The numberless decisions, for instance, of the Congregation of Rites, are the casuistry of liturgy. The very laws of good breeding give birth to a casuistry of etiquette. Indeed, most of what is called law is scarce anything but casuistry. Until the period of its codification under the Emperor Justinian, the Roman law was little more than a collection of 'cases,' or individual decisions, subsequently made into rules. Canon Law was built exactly in the same fashion; that is, on pontifical rulings given on single cases. So also the common law of England, which, different from the statute law made by legislative enactments, rests entirely on the rulings of law courts and the opinions of eminent lawyers regarding single cases submitted to them. Statute law itself soon gathers around it a vast amount of similar cases which practically determine its interpretation, as may be seen in French, Belgian, or Italian jurisprudence, or in the statutory jurisprudence of the United States."

CHAPTER X

DIVISION OF MORAL THEOLOGY

Man may be variously regarded,—in his relations to God, to himself, and to his fellowmen; and hence Moral Theology has been fitly divided into three parts.[1] For our purpose, however, we prefer the more serviceable division suggested by the laws of logic and practical use: *viz.*, into (1) General or Theoretical and (2) Special or Practical.[2]

General Moral Theology treats of morality and the moral order in three subdivisions:

I. Morality, its Subject, Norm, and Object;

II. The Disturbance of the Moral Order by Sin; and

III. The Restoration of the Moral Order by Grace.

Special Moral Theology shows how the moral order is realized in man as an individual and as a member of society, and hence discusses (1) Man's Duties to Himself; (2) Man's Duties to God; and (3) Man's Duties to His Fellowmen, Individually and Collectively.

1 Tit. II, 12.

2 Cfr. F. X. Linsenmann, *Lehrbuch der Moraltheologie*, pp. 35 sqq.

For convenience sake we shall divide the whole subject-matter of Moral Theology into five volumes, as follows:

VOLUME I

Morality, Its Subject, Norm, and Object

VOLUME II

Sin and the Means of Grace

VOLUME III

Man's Duties to Himself

VOLUME IV

Man's Duties to God

VOLUME V

Man's Duties to His Fellowmen

READINGS.—Th. Slater, S.J., *A Short History of Moral Theology,* pp. 44–50.—Aug. Lehmkuhl, S.J., in the *Catholic Encyclopedia,* Vol. XIV, pp. 607 sqq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., Haaren 1910, pp. 13 sq.

MORALITY, ITS SUBJECT, NORM, AND OBJECT

INTRODUCTION

In this first volume of our Handbook we will treat of morality in five subdivisions, as follows:

Chapter I: The Subject of Morality, *i. e.*, Man as a Rational Creature Endowed with Free-Will;

Chapter II: The Objective Norm of Morality, *i. e.*, Law, Divine and Human;

Chapter III: The Subjective Norm of Morality, *i. e.*, Conscience;

Chapter IV: The Subjective-Objective Norm of Morality, *i. e.*, Duty;

Chapter V: The Object of Morality, *i. e.*, Human Acts.

CHAPTER I

THE SUBJECT OF MORALITY—MAN AS A RATIONAL CREATURE ENDOWED WITH FREE-WILL

SECTION I

FREE-WILL AS THE SUBJECTIVE CONDITION OF MORALITY

The subject of morality is man as a rational creature, able to know the moral law and conscious of being responsible for his acts and omissions.

Man's chief ethical faculty is free-will, *i. e.*, the power to determine his own actions or to choose for himself between right and wrong (*liberum arbitrium, vis electiva*). By virtue of this faculty man is truly and properly the master of his own actions (*dominus actuum suorum*).

Only those acts are properly called human (*actus humani*, in opposition to *actus hominis*) of which man is master, *i. e.*, which he performs with consciousness and free-will (*actus morales*).[1]

1 Cfr. St. Thomas, *Summa Theol.*, 1a, qu. 83, art. 3: "*Proprium liberi arbitrii est electio. Ex hoc enim liberi arbitrii esse dicimur, quod pos-*

The liberty of the human will, which we take as an axiom from philosophy and Dogmatic Theology,[2] is not merely a Catholic dogma,[3] but a fundamental truth of revealed religion,[4] and the pivot of all morality.[5] Without free-will man could perform no ethical acts, either good or bad; there would be no moral responsibility, no imputability, no virtues or vices, neither guilt nor merit, and no redemption.[6] To deny the free-

sumus unum recipere alio recusato, quod est eligere, et ideo naturam liberi arbitrii ex electione considerare oportet."—*Ibid.*, 1a 2ae, qu. 1, art. 1: "*Differt homo ab aliis irrationalibus creaturis in hoc, quod est suorum actuum dominus. Unde illae solae actiones vocantur proprie humanae, quarum est dominus. Est autem homo dominus suorum actuum per rationem et voluntatem, unde et liberum arbitrium esse dicitur facultas voluntatis et rationis. Illae ergo actiones propriae humanae dicuntur, quae ex voluntate deliberatâ procedunt. Si quae autem aliae actiones homini conveniant, possunt dici quidem hominis actiones, sed non proprie humanae, quum non sint hominis, inquantum est homo.*"

2 See *Readings* at the end of this chapter.

3 Cfr. *Conc. Trident.*, Sess. VI, can. 5: "*Si quis liberum hominis arbitrium post Adae peccatum amissum et extinctum esse dixerit, aut rem esse de solo titulo, immo titulum sine re, figmentum denique a satana invectum in Ecclesiam; anathema sit.*"

4 Cfr. Gen. IV, 7; Deut. XXX, 19–20; Ecclus. XV, 14–18; Matth. XXIII, 37.—St. Augustine, *De Gratia et Libero Arbitrio*, II, n. 2, says: "*Revelavit nobis per scripturas suas sanctas, esse in homine liberum voluntatis arbitrium. . . . Ipsa divina praecepta homini non prodessent, nisi haberet liberum voluntatis arbitrium, quo ea faciens ad promissa praemia perveniret.*"—*Ibid.*, n. 4: "*Quid illud, quod tam multis locis omnia mandata sua custodiri et fieri iubet Deus? Quomodo iubet, si non est liberum arbitrium?*" (Migne, *P. L.*, XLIV, 882 sq.)—Cfr. E. Janvier, *Exposition de la Morale Catholique*, Vol. II, Paris 1904, pp. 51 sqq.

5 Cfr. St. Thomas, *Comment. in Sent.*, II, dist. 24, qu. 3, art. 2: "*Voluntas est principium moralium, et ideo ibi incipit genus moris, ubi primum dominium voluntatis invenitur.*"

6 Cfr. St. Augustine, *De Libero Arbitrio*, II, c. 1, n. 3: "*Et poena iniusta esset et praemium, si homo voluntatem non haberet liberam.*"—Idem, *De Vera Religione*, c. 14, n. 27: "*Si non voluntate male facimus, nemo obiurgandus est omnino aut monendus; quibus sublatis christiana lex et disciplina omnis religionis auferatur necesse est. Voluntate ergo peccatur. Et quoniam peccari non dubium est, ne hoc quidem dubitandum video, habere animas liberum*

dom of the will, therefore, is to deny Christianity itself.

Free-will is capable of development and cultivation, and hence is not the beginning but the end of moral endeavor. Man, by "going from virtue to virtue," and by "growing unto salvation," [7] is called to attain "moral liberty," to develop into "a perfect man unto the measure of the age of the fulness of Christ," and thereby to reach that blessed freedom which is "the glory of the children of God." [8]

Moreover, free-will is not absolute but relative and limited in various ways:—metaphysically, by man's dependence upon the will of His Creator, and ethically, by certain natural, individual, personal, and social factors which constitute as many intrinsic determinants of liberty.

READINGS.—St. Thomas, *Summa Theol.*, 1a, qu. 8 sqq., 13, 83.—C. Gutberlet, *Die Willensfreiheit und ihre Gegner*, Fulda 1893, pp. 26 sqq.—M. Maher, S.J., *Psychology; Empirical and Rational*, 4th ed., London 1900, pp. 394 sqq.—IDEM, in the *Catholic Encyclopedia*, Vol. VI, pp. 259 sqq.—Jos. Rickaby, S.J., *Political*

voluntatis arbitrium."—IDEM, *Enarrat. in Ps.*, CI, serm. 1, n. 11: "*Si mihi non dedisses liberum arbitrium et per hanc rationem pecoribus me non faceres meliorem, non me sequeretur damnatio iusta peccantem.*" —IDEM, *Retract.*, I, c. 9, n. 4. (See Migne, *P. L.*, XXXII, 1241; XXXIV, 133; XXXVII, 1302; XXXII, 596).—Cfr. St. Jerome, *Adv. Iovin.*, II, c. 3: "*Liberi arbitrii nos condidit Deus, nec ad virtutes nec ad vitia necessitate trahimur. Alioquin ubi necessitas, nec corona est.*" (Cfr. *ibid.*, XXIII, 286).—St. Thomas, *Summa Theol.*, 1a, qu. 83, art. 1: "*Homo est liberi arbitrii, alioquin frustra essent consilia, exhortationes, praecepta, prohibitiones, praemia et poenae.*"

7 Ps. LXXXIII, 8; Phil. III, 13; 1 Pet. II, 2.—Cfr. *Conc. Trident.*, Sess. VI, c. 11.

8 2 Cor. III, 17; Eph. IV, 13; Rom. VIII, 21.

and Moral Essays, New York 1902, pp. 249 sqq.—Idem, *Free Will and Four English Philosophers* (Hobbes, Locke, Hume, and Mill), London 1906.—W. von Rohland, *Die Willensfreiheit und ihre Gegner,* Leipsic 1905.—E. Janvier, *Exposition de la Morale Catholique,* Vol. I, Paris 1904.—H. Gründer, S.J., *Free Will, the Greatest of the Seven World-Riddles,* St. Louis 1911.

SECTION 2

THE NATURAL LIMITS OF FREE-WILL

I. Man was created for both time and eternity. Here on earth, where he is to prepare himself for the life beyond, he is subject to the same laws as other terrestrial creatures. However, since he holds first rank among, and was made to rule over these creatures,[1] he is empowered to use them as means to achieve his own particular ends.[2]

But man is not created for this world alone. He has an immortal soul,[3] and is bound so to employ his earthly sojourn that he may attain eternal beatitude. This is the express will of God, which man cannot change, and to that extent his freedom is limited by his supernatural end. However, this limitation by no means abrogates free-will, but rather elevates it to a higher plane of perfection.[4]

1 Gen. I, 26 sqq.; II, 19 sq.; IX, 2.—Cfr. St. Augustine, *Tract. in Ioa.*, 33, c. 6; Vergil, *Aeneis*, VI, 727; Sophocles, *Antigone*, 332 sqq.; A. Jakob, *Der Mensch, die Krone der irdischen Schöpfung*, Freiburg 1890.

2 1 Cor. III, 22.

3 Rom. XIV, 7 sq.; Acts XVII, 28; Job XIV, 5 sqq.

4 Job I, 21; Prov. XXVII, 1; Luke XII, 20; 1 Tim. VI, 7; Jas. IV, 13 sqq.—St. Polycarp, *Ep. ad Phil.*, IV, 1 (ed. Funk, Vol. I, 2nd ed., p. 301).—Tertullian, *Ad Uxorem*, I, c. 7: *"Super haec recogites, moneo, neminem non ex Dei voluntate de saeculo educi, si ne folium quidem ex arbore sine Dei voluntate delabitur. Idem qui nos mundo infert, idem et educat necesse est."* (Ed.

II. Though he is the lord of the physical universe, man is in several respects subject to nature.

1. His moral life is influenced by natural causes. Certain physical disturbances are regularly followed by definite phenomena in the ethical domain. Statistics show how greatly men are dependent on climate, the weather, seasonal changes, and other physical agencies. They are compelled to battle with nature for their existence and well-being, and this struggle involves a constant expenditure of physical as well as intellectual energy.

2. Man's control of his own actions is limited by the life of the body.[5] His intellectual knowledge depends upon the senses. Through the organs of the body man receives impressions by the aid of which he forms mental images, concepts or ideas. Moreover, the intellectual and moral life of man is influenced by various bodily conditions, *e. g.*, the need of food and sleep, the sexual instinct, disease. Man has to devote considerable thought and attention to the care of his body and is frequently compelled to combat its impulses. The body has been compared to a dead weight or a prison impeding the intellect in its movements. But this comparison is one-sided.

Leopold, P. II, 68).—Horace, *Carm.*, I, 4, 13; 28, 15.

5 Wisd. IX, 15.—Cfr. J. B. Hirscher, *Die christliche Moral*, Vol. I, 5th ed., pp. 174 sqq.

The body is an essential constituent of the compound, man. It is the organ of the soul, subject to its elevating influence. Animated and, as it were, spiritualized by the soul, the body becomes the source of sentiments conducive to moral improvement.[6] The life of the body, moreover, furnishes the soul with many occasions for practicing virtue and acts as a strong counterpoise to pride and self-conceit.

Whereas the Old Testament emphasizes man's mastery over the earth, the New insists that the body be kept holy because it is a temple of the Holy Ghost.[7]

READINGS.—A. Huber, *Die Hemmnisse der Willensfreiheit*, 2nd ed., Münster 1908.—M. Cronin, *The Science of Ethics*, Vol. I, Dublin 1909, pp. 169 sqq.

6 St. John Chrysostom, *Orat. de Angusta Porta*, 1, says that the body is the harp of the soul; the spirit moves the strings, and if this is done in the right way, the instrument gives forth the beautiful melody of virtue. (Migne, *P. G.*, LI, 41).

7 1 Cor. I, 19; III, 16; Rom. VIII, 11; VI, 16–22.

SECTION 3

THE INDIVIDUAL DETERMINANTS OF FREE-WILL

Man as an individual is constituted by a material body and a spiritual soul,[1] and endowed with impulses and inclinations which give rise to definite temptations, virtues, and vices. The individual determinants of free-will are chiefly three:

1. AGE.—Age exercises a notable influence on the human organism and offers to the will a special field in which to exert itself. Though the individual continues the same, and his personality is essentially unaffected by age, the differences wrought by the latter are so far-reaching that moral science must take account of them.

Each age has its peculiar ethical tasks and problems.[2] In infancy man is almost completely ruled by egoism, but the egoism of the child has a redeeming feature in his ready submission to God (faith) and parents (filial love, *pietas*).[3] In

1. See Scholastic Psychology and Pohle-Preuss, *The Author of Nature and the Supernatural*, 2nd ed., St. Louis 1916, pp. 124 sqq.

2 1 Cor. XIII, 11; Tit. II, 1–6; 1 John II, 12–14.

3 Cfr. Matth. XVIII, 1–6; XIX, 13–15; Mark X, 13–16; Matth. XI, 25.—St. Jerome, *Ep.*, 52 (*al.* 2), n. 3 (Migne, *P. L.*, XXII, 528); W. Preyer and K. L. Schäfer, *Die Seele des Kindes*, 8th ed., Leipsic 1908; R. Gaupp, *Die Psychologie des Kindes*, Leipsic 1908.

early childhood the operation of the will, so far as it acts independently, is negative rather than positive, characterized by a tendency to obstinacy, destructiveness, and cruelty.

The period of adolescence is marked by a struggle between liberty and control. Though very receptive at first, the boy soon begins to assert himself against his elders. He is inclined to follow the bent of his sensual nature, to enjoy himself, to substitute knowledge for faith, to criticize and doubt, to engage in airy speculations, to waver to and fro between optimism and pessimism, hope and despair. Over against these tendencies are the faculty and inclination to labor, to cultivate tender sentiments, and to seek noble ideals. Unless these faculties are properly trained, the young man is liable to become an egoist, a dreamer, and a sentimentalist.[4]

Manhood, the age of maturity, is marked by full control of the vital energies, by a certain fixity of both the bodily and the intellectual type, and by a preponderance of the active over the receptive faculties. The peculiar dangers that beset middle life are pride, vainglory, isolation, heartlessness and obtuseness of mind resulting from untoward experiences. These perils can be avoided by cultivating a strong sense of duty and

[4] Cfr. Sophocles, *Antigone*, 705 sqq.; Horace, *Ep.*, II, 3, 156 sqq. (*De Arte Poetica*); I, 2, 67 sq.; Homer, *Ilias*, III, 108; IV, 320.

devoting oneself to the service of God and one's fellowmen and to the contemplation of nature.[5]

Thus each succeeding period of life has its peculiar ethical stamp; each its special dangers and pitfalls; each its own capacity for virtue. This truth is exemplified in the lives of the saints, who belong to every age, clime, and condition.

2. TEMPERAMENT.—By temperament we understand the peculiar physical and mental character of an individual. The ancients enumerated four types—the sanguine, phlegmatic, choleric (or bilious), and melancholic. None of these temperaments is found unmixed in any one individual. Nevertheless, as the temperaments contain the germs of definite inclinations and tendencies, a study of them is of great importance for the formation of character. The temperaments undoubtedly influence the will, though by no means irresistibly. Besides, every man is more or less responsible for the faults peculiar to his temperament. Hence arises the duty of acquiring control over one's temperament and its idiosyncrasies. In this matter the Apostles furnish splendid models.[6]

5 Cfr. Job XII, 12–13; Prov. XVI, 31; Ecclus. XXV, 6–8; Wisd. IV, 8–9.—J. Ehring, *Des Priesters Greisenalter*, Münster 1896, pp. 3 sqq., 59 sqq.

6 Cfr. A. Fouillée, *Tempérament et Caractère selon les Individus, les Sexes et les Races*, Paris 1895; P. Michel, *Theologiae Moralis Principia*, Vol. I, pp. 445 sqq.

3. NATURAL TALENT.—Talent is a special aptitude or faculty for effective action along certain lines. Talents differ and are differently distributed. Some men are more talented than others. Some are highly gifted in more than one respect, while others scarcely show any trace of talent at all. The presence or absence of special aptitudes necessarily influences man's intellectual and moral development, and hence is an ethical factor of considerable importance. A man's choice of vocation and his social standing are largely conditioned by his talents, and experience teaches that, as a general rule at least, the moral sense develops in proportion to the growth of intelligence.

However, while talent has a place among the individual determinants of free-will, its influence is by no means compelling. Whether endowed with many talents or few, great or small, man remains master of his actions. There is no hard and fast relation between morality and intellectual culture. Intellectually inferior men sometimes attain to great moral perfection. Moreover, man's ethical development depends upon other factors besides natural aptitudes. Even infidel savants admit that the low mental and moral state of many primitive races is the result, not of natural inferiority, but of a process of deprava-

tion.[7] For some reason or other their natural faculties and aptitudes were not properly developed. The Catholic Church teaches that every normal human being is able to distinguish good from evil and to observe the more general or absolutely necessary precepts of the Gospel. It is this conviction that inspires Catholic missionary activity among the heathen. History testifies that nations which have attained to some degree of culture are more easily converted than those completely immersed in savagery.

READINGS.—J. B. Hirscher, *Die christliche Moral,* Vol. I, 5th ed., pp. 251 sqq.; Vol. II, 5th ed., pp. 268 sqq., 418 sqq.—C. Krieg, *Die Wissenschaft der Seelenleitung,* Vol. I, Freiburg 1904, pp. 99 sqq., 131 sqq.—A. Huber, *Die Hemmnisse der Willensfreiheit,* 2nd ed., Münster 1908, pp. 132 sqq.—M. Maher, S.J., *Psychology,* 4th ed., London 1900, p. 393.—T. Pesch, S.J., *Instit. Psychologicae,* § 1078 sq.—O. Brüssau, *Die Temperamente und das christliche Leben,* Hamburg 1906.—M. Maher, S.J., in the *Cath. Encyclopedia,* Vol. II, p. 585.—A. C. O'Neil, *ibid.,* XIV, 8.—A. Waldron, O.P., *ibid.,* XV, 474.—F. Muszinski, *Die Temperamente,* Paderborn 1907.—A. Tanquerey, *Synopsis Theologiae Moralis,* Vol. II, Tournai 1905, pp. 65 sqq.

7 Cfr. W. Schneider, *Die Naturvölker,* Vol. I, Paderborn 1885, pp. 3 sqq.; C. Gutberlet, *Der Mensch,* 2nd ed., Paderborn 1903, pp. 474 sqq.

SECTION 4

THE SOCIAL DETERMINANTS OF FREE-WILL

Man is not merely an individual, he is also a social being, and as such his liberty of choice is influenced by several other factors in addition to those already enumerated. They are:

1. SEX.—Sex is the sum-total of the peculiarities of structure and function that distinguish the male from the female organism. Its influence is not limited to the body, but extends to the intellect and the will, and consequently affects the moral character.[1]

The male sex, generally speaking, possesses greater spontaneity, energy, and strength than the female. These advantages are counterbalanced by certain defects, *e. g.*, lack of delicacy and sentiment. The female sex, on the other hand, enjoys greater receptivity, a more delicate sense of modesty, a more intense religious sentiment [2] and greater patience, but is less strong in resisting evil,[3] and more prone to fall.[4]

1 See *Readings* at the end of this Section.

2 The liturgical phrase, "*devotus femineus sexus,*" be it remarked in passing, is merely a synonym for "*virgines Deo devotae,*" i. e. the members of female religious orders.

3 Cfr. 1 Pet. III, 7, and the hymn for Matins in the *Commune Virginum* of the Roman Breviary.

4 Cfr. R. Stade, *Aus der Gefängnisseelsorge*, Leipsic 1901, pp. 56

But though sex is a determinant of morality, it does not neutralize free-will. For in the first place the human soul or spirit is non-sexual [5] and the same law binds both male and female. *"Una est lex de viris et de feminis,"* as the Schoolmen put it. The assumption of a so-called double standard of morals is unchristian.[6] Secondly, all virtues are attainable by both sexes, and neither enjoys any intellectual or moral privilege that is denied the other.[7] Third, the sexual relations of

sqq., 105 sqq.; IDEM, *Frauentypen aus dem Gefängnisleben* (1903), pp. 40 sqq., 57 sqq., 67 sqq.; H. F. Beneke, *Gefängnisstudien*, Hamburg 1903, pp. 13 sq., 76 sqq.

5 Cfr. St. Ambrose, *Expos. Evang. sec. Luc.*, II, n. 28: *"Anima, quae non habet sexum"* (Migne, *P. L.*, XV, 1562); St. Thomas, *Summa Theol.*, 1a, qu. 93, art. 6, ad 2: *"Imago Dei utrique sexui est communis, quum sit secundum mentem, in qua non est distinctio sexuum."*

6 Cfr. 1 Cor. VII, 3-4: "Let the husband render the debt to his wife, and the wife also in like manner to the husband. The wife hath not power of her own body, but the husband; and in like manner the husband also hath not power of his own body, but the wife."—Cfr. the *Shepherd of Hermas*, Mand. IV, i, 8: "This is the course of action for wife and husband (αὕτη ἡ πρᾶξις ἐπὶ γυναικὶ καὶ ἀνδρὶ κεῖται)." *Ibid.*, 10: "For this reason it was enjoined on you to live by yourselves, whether husband or wife (διὰ τοῦτο προσετάγη ὑμῖν ἐφ' ἑαυτοῖς μένειν, εἴτε ἀνὴρ εἴτε γυνή)." (Ed. Funk, Vol. I, 2nd ed., p. 476, 8 and 13; Kirsopp Lake, *The Apostolic Fathers*, Vol. II, London 1913, p. 81).—The *Corpus Iuris Canonici* quotes the following from St. Ambrose (C. 4, C. XXXII, qu. 4): *"Nec viro licet, quod mulieri non licet. Eadem a viro, quae ab uxore, debetur castimonia."* And the following from Pope Innocent I (C. 23, C. XXXII, qu. 5): *"Christiana religio adulterium in utroque sexu pari ratione condemnat."* Cfr. St. Augustine, *Serm.*, 9 (*al.* 96 *de Temp.*), n. 3-4; *Serm.*, 132 (*al. de Verbis Dom.*, 46), n. 2 (Migne, *P. L.*, XXXVIII, 77, 735 sq.); Pseudo-August., *Append. Serm.*, 288, n. 3 and 5; *Serm.*, 289 (*al.* 243 *de Temp.*), n. 3 (*P. L.*, XXXIX, 2290, 2292).

7 Cfr. Gal. III, 28: "There is neither Jew nor Greek: there is neither bond nor free: there is neither male nor female (οὐκ ἔνι ἄρσεν καὶ θῆλυ). For you are all one in Christ Jesus."—Cfr. Matth. XXVIII, 10; Acts XVII, 12, 34; XVIII, 2.—St. Ambrose, *Expos. Evang. sec. Lucam*, IV, n. 57: *"Utrumque sexum, Dominus curaturus advenerat, et prior sanari debuit, qui prior creatus est, nec praetermitti illa, quae mobilitate magis*

men and women, unlike those of irrational brutes, are not governed by physical necessity, but controlled by the will,[8] which can ennoble and spiritualize them.[9]

2. EDUCATION.—Education signifies the process of imparting and drawing out (*e-ducere*) knowledge, skill or discipline of character. As society is at present constituted, education is imparted partly in the home and partly at school. The early training a child receives at home is of

animi quam pravitate peccaverat." (Migne, *P. L.*, XV, 1629).—St. Augustine, *Serm.*, 12 (*al.* 16 *de Diversis*), n. 12: *"Utrumque sexum volens in spem renovationis et reparationis adducere, virilem, in quo nasceretur, femineum, per quem nasceretur, elegit."*—IDEM, *Serm.*, 190 (*al.* 61 *de Diversis*), n. 2: *"Quoniam utrumque sexum, id est, masculi et feminae, ipse utique creavit, ideo utrumque sexum etiam nascendo voluit honorare, quam venerat liberare. . . . Dominus veniens quaerere quod perierat, utrumque voluit honorando commendare, quia utrumque perierat. In nullo igitur sexu debemus iniuriam facere Christo: utrumque ad sperandam salutem commendavit nativitas Domini. Honor masculini sexus est in carne Christi, honor feminini est in matre Christi. Vicit serpentis astutiam gratia Iesu Christi."* (Migne, *P. L.*, XXXVIII, 106, 1008).—St. Leo the Great, *Serm.*, 74 (*al.* 72), c. 3: *"Pro hac fide per universum mundum non solum viri, sed etiam feminae, nec tantum impubes pueri, sed etiam tenerae virgines usque ad effusionem sui sanguinis decertarunt."* (Migne, *P. L.*, LIV, 398).—In the benediction of the baptismal font in the Roman Missal we read: *"Et quos aut sexus in corpore aut aetas discernit in tempore, omnes in unam pariat gratia mater infantiam."*

8 Cfr. Matth. XIX, 11–12: "All men take not this word, but they to whom it is given. For there are eunuchs, who were born so from their mother's womb: and there are eunuchs, who were made so by men: and there are eunuchs, who have made themselves eunuchs for the kingdom of heaven. He that can take, let him take it."—Rom. VIII, 12–14: "Therefore, brethren, we are debtors, not to the flesh, to live according to the flesh. For if you live according to the flesh, you shall die: but if by the spirit you mortify the deeds of the flesh, you shall live." —Cfr. 1 Cor. VII, 25 sqq.

9 Matth. XXII, 30: "For in the resurrection they shall neither marry nor be married; but shall be as the angels of God in heaven."—Cfr. Tertullian, *Ad Uxorem*, I, c. 1 (ed. P. Leopold, II, 62 sq.)—St. Augustine, *De Civitate Dei*, XXII, c. 17 (Migne, *P. L.*, XLI, 778 sq.); IDEM, *Serm.*, 243 (*al.* 6 *de Divers.*), n. 6 (Migne, *P. L.*, XXXVIII, 1146).—St. Jerome, *Adv. Iovin.*, I, c. 36 (*P. L.*, XXIII, 261).

supreme importance for his future welfare because it leaves upon the mind deep traces of good or evil.[10] Whether a man will be virtuous or vicious, whether his life will redound to the advantage or detriment of his fellowmen, depends largely upon the character of the domestic circle in which he spends his youth. No other factor, agency, or institution can fully supplant a good Christian home.

In spite of all this, however, home-life does not give a necessary predetermination for either good or evil. The will remains free, and even the most excellent training sometimes fails to bend it in the right direction. It happens that good parents have bad children,[11] whereas, on the other hand, a naturally good child will often preserve its innocence in spite of a bad example.

The school supplements and completes the training received at home, and its influence on the formation of character is second only to that of the family.[12] Its chief defect is that it cannot give to each child the individual care required, and hence the influence of the school upon the

10 Cfr. Plato, *Politia*, II, 17: Μάλιστα δὴ τότε πλάττεται καὶ ἐνδύεται τύπος, ὃν ἄν τις βούληται ἐνσημήνασθαι ἑκάστῳ.—Cfr. Horace, *Carm.*, IV, 4, 29, 32 sqq.:

"Fortes creantur fortibus et bonis; . . .
Doctrina sed vim promovet insitam
Rectique cultus pectora roborant:
Utrumque defecere mores,
Dedecorant bene nata culpae."

11 "*Filii heroum nequam.*"

12 Cfr. the Greek proverb: Πολλοὶ μαθηταὶ κρείσσονες τῶν διδασκάλων—Many pupils are better than their masters.

moral character is less pronounced than that of the home.

3. SOCIETY.—Human society is the sum-total of living men, considered as an aggregate, of which each individual is a member. Every man is more or less a child of his time, nation, and country,—not merely in a physical sense, *i. e.*, by the external characteristics due to soil, climate and national type; but also intellectually and ethically, in regard to his views of right and wrong, his likes and dislikes, etc.[13]

The relation existing between man's free acts and the social environment in which he lives (*milieu*) has been carefully investigated in recent times. It was found that certain crimes and misdemeanors recur more or less regularly under certain conditions. This observation led Lombroso and others to conclude that the law of physical causation applies to ethics and that human conduct is governed by necessity.[14] With this conclusion we cannot agree, for three reasons:

13 Cfr. Ps. XVII, 26–27: "With the holy, thou wilt be holy; and with the innocent man thou wilt be innocent; and with the elect thou wilt be elect: and with the perverse thou wilt be perverted."— Pope Hadrian VI composed this epitaph for his tombstone: *"Proh dolor, quantum refert, in quae tempora vel optimi cuiusque virtus incidat!"*

14 Cesare Lombroso's writings in particular, some of which have been translated into English, have exercised a malign influence on contemporary thought. Cfr. Krauss, *Der Kampf gegen die Verbrechensursachen*, pp. 17 sqq.; R. Frank, *Die Lehre Lombrosos*, Tübingen 1908.—Enrico Ferri, another popular author, contends that crime is "a biologico-social abnormality," which has "its origin in an anti-social biological constitution, cosmic or physical," and is "the resultant of anthropological, cosmic, and social factors." (Cfr.

a) That men think, feel, calculate, and act alike under similar conditions is no proof that they lack liberty of choice.

b) At all times there have been many who, under identically the same circumstances, have attained a degree of moral perfection that raised them far above their fellows.

c) Statistics are limited to external acts, whereas the individual inclinations and dispositions as well as the intentions and motives from which individual actions spring, and which therefore constitute the true essence of morality, elude observation and inquiry. All that science can demonstrate is to what extent men observe the law or, rather, in what degree they are given to immoral practices. Even those acts which are common to a large number of men and can therefore be statistically tabulated, remain rational and ethically free—*actus humani*—regardless of social and economic environment.[15]

The science of what is called moral (or, more correctly, criminal) statistics devotes its attention entirely to vice and crime. Virtue, as a rule, makes no noise. An ancient Chinese proverb says: "If you do a good deed, your neighbor will never find it out; but if you commit a

Criminal Sociology by Enrico Ferri, tr. by J. I. Kelly, Boston 1917). Ferri too often makes words serve in place of ideas. Put to the logical test, his system fails completely.

15 Cfr. C. Gutberlet, *Willensfreiheit*, pp. 40 sqq.

crime, everybody for a hundred miles around will talk about it." To regard only the evil that men do will never lead to an adequate knowledge of human nature.

READINGS.—*Cath. Encyclopedia,* Vol. I, p. 163; XV, 687.—A. Rösler, C.SS.R., *Die Frauenfrage vom Standpunkt der Natur, der Geschichte und der Offenbarung,* 2nd ed., Freiburg 1907, pp. 18 sqq., 26 sqq.—H. Marion, *Psychologie de la Femme,* Paris 1900.—Ch. Turgeon, *Le Féminisme Français,* Vol. II, Paris 1902, pp. 152 sqq.—C. Krieg, *Die Wissenschaft der Seelenleitung,* Vol. I, pp. 138 sqq.—A. Tanquerey, *Synopsis Theologiae Moralis,* Vol. II, Tournai 1905, pp. 69 sqq.

L. Désers, *L'Education Morale et ses Conditions,* Paris 1909.—W. Toischer, *Die Macht der Schule,* Prague 1897.—F. W. Foerster, *Schule und Charakter,* 7th ed., Zurich 1909.

SECTION 5

VOLUNTARY ACTS

Not all human actions are ethically free. There are various degrees of self-determination corresponding to the measure of knowledge with which a man acts.[1]

1. SPONTANEOUS OR REFLEX ACTIONS.—A spontaneous or reflex action is one produced by the will without due knowledge. A spontaneous act, as such, is not ethical. *"Nihil volitum nisi praecognitum."* To the category of spontaneous actions belong the primary perceptions of the external and internal senses, the first stirrings of the imagination and the memory, as well as all acts performed in the state of sleep or disease, under external compulsion or in ignorance.

2. VOLUNTARY AND FREE ACTS.—An act is

1 Cfr. St. Thomas, *Summa Theol.*, 1a, qu. 59, art. 3: *"Quaedam sunt quae non agunt ex aliquo arbitrio, sed quasi ab aliis acta et mota, sicut sagitta a sagittante movetur ad finem. Quaedam vero agunt quodam arbitrio, sed non libero, sicut animalia irrationalia. Ovis enim fugit lupum ex quodam iudicio, quo existimat eum sibi noxium; sed hoc iudicium non est ipsi liberum, sed a natura inditum. Sed solum id quod habet intellectum, potest agere iudicio libero, inquantum cognoscit universalem rationem boni, ex qua potest iudicare hoc vel illud esse bonum. Unde ubicunque est intellectus, est liberum arbitrium."*

voluntary and free (*voluntarium et liberum*) if it is performed by the will with knowledge and deliberation.[2]

For an act to be voluntary and free, therefore, two conditions must coöperate:

a) The act itself must be produced by an internal principle, *i. e.*, the will;

b) The person acting must have some knowledge of the end towards which his act tends.

Acts performed under external compulsion, therefore, or without knowledge of their purpose, cannot be called free.

In order that an act be entirely free, it must, moreover, be perceived by the agent in all its parts and circumstances. When even one circumstance is unknown to the agent, the act is not free with regard to this circumstance. For instance, if a man appropriates to himself an object, not knowing that it belongs to another, he is not a thief; or if he knowingly possesses himself of the property of another without being aware of the fact that it is devoted to a sacred purpose, he is not guilty of sacrilege.

There are different degrees of voluntariness, according to the measure of reflection accompanying an act.

(1) An act is positively voluntary (*voluntarium positivum*) if it is directly intended; negatively (*voluntarium*

[2] "*Actus procedens a principio intrinseco seu a voluntate cum cognitione finis.*"—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 1.

negativum) if it involves an inexcusable or culpable omission.[8]

(2) An act is perfectly voluntary (*voluntarium perfectum*) if it proceeds from the will with full knowledge and deliberation; it is imperfectly voluntary (*voluntarium imperfectum*) if the knowledge and deliberation are not full.

(3) An act is immediately voluntary (*voluntarium elicitum*) if it is produced directly by the will; it is mediately voluntary (*voluntarium imperatum*) if it is dictated by the will and performed by some other faculty of mind or body.

(4) An act is expressly voluntary (*voluntarium expressum*) if the consent of the will is manifested by word or sign; it is tacitly voluntary (*voluntarium tacitum*) if the consent of the will can be deduced from some act or omission. Thus a superior wills expressly what his spoken or written command enjoins; he wills tacitly what he permits, though he be able and in duty bound to prevent it.

(5) Something is said to be willed directly or in itself (*voluntarium directum s. in se*) when it is in and by itself the object of the will, *e. g.*, a premeditated crime. It is willed indirectly or in the cause (*voluntarium indirectum s. in causa*) when it is merely the effect of something else which is directly willed. For anything to be willed in the cause, therefore, the effects of that cause must be foreseen but not intended, for if they were intended, the action would be willed in itself or directly. A drunkard, *e. g.*, directly wills the gratification of his appetite for strong drink; indirectly he also wills to ruin his health and

8 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 71, art. 5, ad 2: "*Ipsum non velle potest dici voluntarium, inquantum in potestate hominis est velle et non velle.*"

squander his money, because he foresees these inevitable effects in the cause.

Readings.—St. Thomas, *Summa Theol.,* 1a 2ae, qu. 6.—V. Frins, S.J., *De Actibus Humanis,* Vol. I, Freiburg 1897, pp. 85 sqq.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 34 sqq.—Th. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 22 sq.—Sabetti-Barrett, S.J., *Compendium Theologiae Moralis,* 22nd ed., New York 1915, pp. 11 sqq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., Haaren 1910, pp. 34 sqq.

SECTION 6

THE DEVELOPMENT OF FREE-WILL

1. INSTINCT.—Instinct, which is the first and lowest stage of the appetitive faculty, may be defined as "an impulse of the sensitive appetite towards certain acts and objects, the suitableness of which transcends the range of knowledge of the agent that performs them." [1] All instinctive actions are performed under internal compulsion. The primary form to which all instincts may be reduced, is an impulse towards happiness. This impulse is irresistible, *i. e.*, the will cannot decide against it because no man has it in his power not to will to be happy. The case is different with the secondary forms that proceed from this primary form of instinct—the impulse to self-preservation, the sexual instinct, and others. These are subject to the will. Intimately connected with the instinct of self-preservation are modesty, anger, and fear.

(a) *Modesty* is directed to the preservation of personal integrity. This instinct reacts with particular vigor

[1] Cfr. E. Wasmann, S.J., *Modern Biology and the Theory of Evolution* (tr. by A. M. Buchanan), London 1910; IDEM, *Instinct and Intelligence in the Animal Kingdom*, St. Louis 1903.

to attacks against chastity and truth. Modesty furnishes an invaluable protection against sin, and for this reason it should be assiduously cultivated, especially since it is weak and tender and can easily be destroyed. Under conscientious cultivation modesty ceases to be a mere instinct and becomes a virtue.[2]

(b) *Anger* is defined as a violent desire to wreak vengeance on persons or objects that oppose or thwart the Ego in the prosecution of its ends. This instinct tends to destroy that which opposes it. Anger is a dangerous instinct because it makes deliberation difficult. For the same reason, of course, it diminishes accountability and inspires foolish and injurious actions.

Anger is essentially a craving for vengeance on account of wrong done. Though there is a just and holy anger, the stirrings of this passion in the weakened state in which humanity exists since the Fall, mostly spring from sinful egotism. Anger, in the words of Father Rickaby, "is then only a safe course to enter on, when it proceeds not upon personal but upon public grounds; and even by this maxim many deceive themselves."[3]

(c) Fear (*metus*) will be treated later.[4]

2. Affections and Passions.—When the intellect proposes some good to the will, or when sensual perception presents something as desirable to the lower appetites, there ensues a tendency towards that object. This tendency is either

2 Cfr. St. Ambrose, *De Offic.*, I, c. 18, n. 69: "*Est verecundia pudicitiae comes, cuius societate castitas ipsa tutior est. Bonus enim regendae castitatis pudor est comes, qui si se praetendat ad ea quae prima pericula sunt, pudicitiam temerari non sinat.*" (Migne, *P. L.*, XVI, 44).—Cfr. W. Schneider, *Die Naturvölker*, Vol. II, pp. 426 sqq.

3 Jos. Rickaby, S.J., *Moral Philosophy*, p. 64.—Cfr. Mark III, 5; Matth. XXI, 12; John II, 15–17.

4 *Infra*, p. 116.

spiritual or sensual, according to the nature of the object. The stirrings of the rational appetite are called affections; those of the sensual appetite, passions (*passiones*).

The passions, in so far as they are excited by external objects, are involuntary in their origin because independent of free-will. Consequently man is not accountable for them, unless he has willed them in the cause (*voluntarium in causa*).

The affections, on the other hand, whether pure or mixed, are either wholly or partially subject to the will, according as they proceed from it either entirely or in part.[5]

There is a difference between the affections and passions on the one hand, and instinct on the other. The former may proceed mediately from the will and presuppose a clear knowledge of their object, whereas the latter springs from sentiment and cannot be elicited by an act of the will. However this difference is not always easy to discern.

An affection is distinguished from a free act of the will in that, when a man is under the influence of an affection, willing immediately follows knowledge, and no choice takes place. For this reason the affections, though they

[5] Cfr. St. Augustine, *De Civitate Dei*, XIV, c. 6: "*Interest, qualis sit voluntas hominis; quia si perversa est, perversos habebit hos motus; si autem recta est, non solum inculpabiles, verum etiam laudabiles erunt. Voluntas est quippe in omnibus* [*scil. motibus*], *immo omnes nihil aliud quam voluntates sunt. Nam quid est cupiditas et laetitia nisi voluntas in eorum consensionem, quae volumus? Et quid est metus atque tristitia nisi voluntas in dissensionem ab his, quae nolumus?*" (Migne, *P. L.*, XLI, 409).

may be voluntary in the highest degree, are not free, unless indeed the knowledge from which they spring was caused by the will, or if they are made the object of reflection. But the will is never accountable for an affection unless it has coöperated in its production, or consented to it after due deliberation, *i. e.*, from the moment when it began to participate in what was originally no more than a physical impulse.

(a) A *motus primo primus* is an impulse which, resulting immediately from an involuntary act of knowledge, precedes all rational deliberation and therefore is neither free nor imputable.

(b) A *motus secundo primus* is an impulse which causes the desired object to enter more or less into the consciousness of the subject, thus affording a possibility of deliberation and free choice. Such acts are not entirely compulsory; nor, on the other hand, are they entirely free. It follows that while they may be to some extent imputable, they never constitute more than a venial sin.

(c) If the knowledge that gives birth to an impulse is caused by the will, or if the will positively and deliberately acquiesces in the impulse and makes its own the object towards which it tends, we have a *motus secundus*. This happens, *e. g.*, when the will, instead of rejecting sinful thoughts, deliberately entertains and nourishes them. Hence the Scholastic maxim, "*Motus sentire est naturale, motibus consentire est criminale.*" [6]

[6] Cfr. St. Augustine, *In Ep. ad Rom.*, prop. 13–18: "*Non in ipso desiderio pravo, sed in nostra consensione peccamus.*" (Migne, *P. L.*, XXXV, 2066).—Idem, *Enarrat. in Ps.*, CXVIII, s. 3, n. 1: "*Quid operatur peccatum nolentibus nobis nisi sola illicita desideria? Quibus si voluntatis non adhibeatur assensus, movetur quidem nonnullus affectus, sed nullus ei relaxatur effectus.*" (*P. L.*, XXXVII, 1507).

The *motus secundus,* being a voluntary and deliberate act of the will, is fully imputable and, when the matter at stake is sinful and important, involves a mortal offence.

It needs no argument to show how strongly man's actions are influenced by the affections and the passions. As *affectus antecedentes* they precede, incite, and elicit the decision of the will, and are frequently the very requisites of free-will actions, capable of becoming concurrent causes in their production, thus entering as important factors into man's accountability for his deeds. Not every good impulse or emotion—enthusiasm, love, hatred, anger—is supernaturally meritorious. Neither is every evil impulse sinful. Many of these stirrings are purely natural and involve no deliberate choice.

On the other hand, the will can enlist the affections and the passions in its service. When thus enlisted, they are called *affectus subsequentes,* and intensify the will, increase its power, and strengthen its every act, whether good or bad. "Rightly ordered, the affections are virtues," says a Scholastic axiom; "when lacking proper direction, they disturb the soul." [7]

[7] *"Affectiones ordinatae virtutes sunt, inordinatae perturbationes."*—Cfr. St. Augustine, *Serm.,* 344 (*al.* 31), n. 1: *"Amores duo in hac vita secum in omni tentatione luctantur, amor saeculi et amor Dei; et horum duorum qui vicerit, illuc amantem tamquam pondere trahit. Non enim pennis aut pedibus, sed affectibus venimus ad Deum. Et rursum non corporeis nodis et vinculis, sed contrariis affectibus terrae inhaeremus."* (Migne, *P. L.,* XXXIX, 1512).—Idem, *De Civitate Dei,* XIV, c. 9, n. 1: *"Iuxta scripturas sacras sanamque doctrinam cives sanctae civi-*

The affections and the passions, therefore, are not in themselves evil or unworthy of human nature. The Church has condemned the Stoic assertion that a perfect man should be totally devoid of passions.[8] Her ideal is not stolid apathy but rational control of the affections and passions.[9] To subject them to right reason is an imperative duty, not only in regard to single acts, but also in regard to the conditions created by the continued activity of these impulses. Even the most vicious habit, no matter how strongly developed, can be overcome with the aid of divine grace.

tatis Dei in huius vitae peregrinatione secundum Deum viventes metuunt cupiuntque, dolent gaudentque. Et quia rectus est amor eorum, istas omnes affectiones rectas habent."—*L. c.*, n. 3: *"Hi motus, hi affectus de amore boni et de sancta caritate venientes, si vitia vocanda sunt, sinamus, ut ea quae vere vitia sunt, virtutes vocentur. Sed quum rectam rationem sequantur istae affectiones, quando ubi oportet adhibentur, quis eas tunc morbos seu vitiosas passiones audeat dicere? Quamobrem etiam ipse Dominus in forma servi agere vitam dignatus humanam, sed nullum habens omnino peccatum adhibuit eas, ubi adhibendas esse iudicavit. Neque enim in quo verum erat hominis corpus et verus hominis animus, falsus erat humanus affectus."* (*P. L.*, XLI, 413, 414 sq.).—Cfr. St. Jerome, *In Ezech.*, I, c. 1, n. 12 (*P. L.*, XXV, 23); *Ep.*, 130, n. 13: *"Affectus et perturbationes, quamdiu in tabernaculo corporis huius habitamus et fragili carne circumdamur, moderari et regere possumus, amputare non possumus."* (*P. L.*, XXII, 1118).—St. Bernard, *De Gratia et Lib. Arbitr.*, c. 6, n. 17: *"Simplices affectiones insunt naturaliter nobis, tamquam ex nobis. additamenta ex gratia. Nec aliud profecto est, nisi quod gratia ordinat, quas donavit creatio, ut nihil aliud sint virtutes nisi ordinatae affectiones."* (*P. L.* CLXXXII, 1010).

8 Cfr. *Prop. Damn. Mich. de Molinos*, prop. 1, 55 (Denzinger-Bannwart, n. 1221, 1275).

9 Cfr. St. Jerome, *In Epist. ad Gal.*, III, c. 6: *"Ira ipsa et libido et iniuria, quae desiderat ultionem, si me refrenem, si propter Deum taceam, si per singulos commotionis aculeos et incentiva vitiorum Dei desuper me videntis recorder, fiunt mihi occasio triumphorum."* (Migne, *P. L.*, XXVI, 432 sq.).—W. Schneider, *Das andere Leben*, 10th ed., Paderborn 1909, pp. 17 sqq.

"Passion is the natural and in a certain degree the inseparable adjunct of strong volition. To check one is to check the other. Not only is the passion repressed by repressing the volition, but the repression of the passion is also the repression of the volition. A man then who did his best to repress all movements of passion indiscriminately, would lay fetters on his will, lamentable and cruel and impolitic fetters, where his will was bent on any object good and honorable and well-judged."

"The effort made as the Stoics direct, would mean no yielding to excitement, no poetry, no high-strung devotion, no rapture, no ecstasy, no ardor of love, no earnest rhetoric spoken or listened to, no mourning, no rejoicing other than the most conventional, to the persistent smothering of whatever is natural and really felt, no tear of pity freely let flow, no touch of noble anger responded to, no scudding before the breeze of indignation,—all this, that reason may keep on the even tenor of its way undisturbed." [10]

"A man who in the heat of passion commits a crime that was far from his thoughts only a minute before, is guiltless in comparison with him who for months and years has revolved the same crime in his brain, without ever proceeding to action. An envious man may deserve a severer punishment than a thief, and one who harbors hatred and plans vengeance may be worse than a murderer." [11]

3. Free-Will.—Freedom of the will (*libertas arbitrii seu naturae*) is distinguished by two essential notes: self-determination and the power of choosing between different actions.

10 Jos. Rickaby, *Moral Philosophy*, pp. 45 sq.
11 *Op. cit.*, p. 46.

a) The rational soul has within itself the tendency or inclination to proceed from potency to action (*a potentia ad actum*). In so far as the intellect operates consciously through the will, all its acts are ethical. Hence, while there may be indifferent acts *in genere,* or in the abstract, no act is indifferent *in individuo.* That is to say, every individual concrete act is either good or bad.

b) To say that man has the power of choosing between two or more actions (*liberum arbitrium*) is not the same as to assert, as the ancient Pelagians did, that man can choose good or evil with equal facility (equilibrism). It is in the power of choosing freely that the will demonstrates its superiority over the sensitive appetite. Whereas the latter acts under intrinsic compulsion, the will can determine itself freely, *i. e.,* choose either good or bad.

According to the objects between which choice is made, the freedom of the will is called *libertas contradictionis s. exercitii, libertas specificationis* or *libertas contrarietatis.*

By *libertas contradictionis s. exercitii* is meant active indifference to act or not to act.

Libertas specificationis may be defined as the power of choosing between specifically different acts of the same kind. for instance, love and desire.

Libertas contrarietatis is the faculty of choosing between contraries, *e. g.*, love and hate, good and evil.

The first of these species of freedom (*libertas contradictionis*) is included in the other two.

Moral indifference is not a prerogative but rather a defect of the will.[12]

4. CHRISTIAN OR SUPERNATURAL MORAL FREEDOM.—The natural freedom of choice with which the human will is endowed, furnishes the foundation and groundwork of that *libertas virtutis seu gratiae* which Sacred Scripture calls the freedom of the children of God.[13] It is to this prerogative that Christ refers when He says: "If you continue in my word, you shall be my disciples indeed, and you shall know the truth, and the truth shall make you free. . . . If therefore the Son shall make you free, you shall be free indeed." [14]

This liberty of grace, which is the work of the Holy Ghost,[15] involves a continued coöperation of the will and an incessant struggle against sin and concupiscence. It manifests itself in that constant and unswerving tendency towards moral goodness [16] which is the special mark of the loyal

12 Cfr. 1 Cor. VII, 37.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 10, art. 4.—V. Frins, S.J., *De Act. Human.*, Vol. I, pp. 112 sqq.

13 1 Cor. XV, 28; 2 Cor. III, 17; Gal. V, 13.

14 John VIII, 31–32, 36.

15 2 Cor. III, 17.

16 John VIII, 34–36; Rom. VI, 16–23; 1 Cor. VII, 22.—Cfr. St. Augustine, *In Ps.*, XCIX, n. 7: "*Servum te caritas faciat, quia li-*

Catholic.[17] Its highest stage is moral inability to sin (*non posse peccare*), which attains its climax in the world beyond, where it is transformed into that freedom of glory which is the inheritance of the Blessed (*libertas gloriae filiorum Dei*).[18]

To be able to sin is not a proof of liberty, but a moral defect. This power may at most be called a sign of liberty in the sense in which disease is sometimes called a sign of life. In the final state of perfection the will is no longer able to choose evil in preference to good. To choose evil is always an abuse of liberty, the sole purpose of which is moral goodness.[19] *"Deo servire regnare est,"* to serve God is to rule.

Inability to sin (*non posse peccare*) is what constitutes true liberty. "Let no one believe," says St. Bernard of Clairvaux, "that liberty is called *liberum arbitrium* because the will is moved with equal facility between good and evil . . . ; if this were the case, it would be impossible to ascribe liberty to God and the holy angels, who are so good that they cannot be wicked, or to the fallen angels, who are so bad that they can no longer be good. Nay, we ourselves [in that hypothesis] should lose our liberty after the Resurrection [of the flesh],

berum te veritas fecit." (Migne, *P. L.*, XXXVII, 1275).

17 John VIII, 32, 36; 2 Cor. III, 17.

18 Rom. VIII, 21.—Cfr. St. Augustine, *De Corr. et Grat.*, XI, n. 32: *"Quid erit liberius libero arbitrio, quando non poterit servire peccato, quae futura erat et homini, sicut facta est angelis sanctis, merces meriti."*—Idem, *ibid.*, XII, n. 33: *"Prima libertas voluntatis erat, posse non peccare, novissima erit multo maior, non posse peccare; prima immortalitatis erat, posse non mori, novissima erit multo maior, non posse mori; prima erat perseverantiae potestas, bonum posse non deserere, novissima erit felicitas perseverantiae, bonum non posse deserere."* (Migne, *P. L.*, XLIV, 936).

19 Cfr. J. Uhlmann, *Die Persönlichkeit Gottes*, p. 118; St. Thomas, *De Veritate*, qu. 22, art. 6.

when we shall be inseparably united either with the good or with the wicked."[20]

> *Libertas summa est tua, Christe, facessere iussa,*
> *Nemo est ingenuus, nisi qui tibi servit, Iesu,*
> *Nemo est, qui regnet, famulus nisi fidus Iesu.*

(The highest freedom, O Lord Jesus, is to obey Thy commands; no man is free unless he serves Thee; no man can rule unless he is Thy faithful servant).[21]

READINGS.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 22–48. —IDEM, *De Veritate, qu.* 26, art. 1–10.—J. Gardair, *Les Passions et la Volonté,* Paris 1892.—E. Janvier, *Exposition de la Morale Catholique,* Vol. III.—Jos. Rickaby, S.J., *Moral Philosophy,* pp. 41 sqq.—M. Maher, S.J., *Psychology,* pp. 214 sqq.—M. Cronin, *The Science of Ethics,* pp. 43 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, Tournai 1905, pp. 38 sqq., 53 sqq.—Jos. Rickaby, S.J., *Political and Moral Essays,* New York 1902, pp. 249–265.

20 St. Bernard of Clairvaux, *De Gratia et Lib. Arbitr.,* X, n. 35 (Migne, *P. L.,* CLXII, 1019); St. Anselm, *De Lib. Arbitr.,* c. 1: "*Libertatem arbitrii non puto esse potentiam peccandi et non peccandi. Quippe si haec eius esset definitio, nec Deus nec angeli, qui peccare nequeunt, liberum haberent arbitrium, quod nefas est dicere.*" (*P. L.,* CLVIII, 489).

21 Alexander Hegius. On this famous pedagogue of the Humanist school (+ 1498) see Buchberger's *Kirchliches Handlexikon,* Vol. I, col. 1874 sq.—A similar sentiment is expressed by Seneca, *De Vita Beata,* XV, 7: "*Deo parere libertas est.*"

SECTION 7

OBSTACLES TO VOLUNTARY ACTION

To be free, an action must proceed (1) from internal inclination, without constraint; (2) from a full knowledge of the end intended, and (3) from indifference of the will.[1]

An action that is performed without constraint is called spontaneous. Obstacles to spontaneity are:

1. VIOLENCE.—By violence (*vis, violentia, coactio*) is meant the state of being driven by some external force which the agent is unable to resist. Since the will itself cannot be subjected to violence, its interior acts (*actus eliciti s. interiores*) are never forced. The only acts that can be affected by force are those mediate acts known as *imperati*.[2] Acts performed under

[1] Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 5 sqq., qu. 76 sq.

[2] Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 4: "*Duplex est actus voluntatis: unus quidem qui est eius immediate, velut ab ipsa elicitus, scil. velle, alius autem est actus voluntatis a voluntate imperatus et mediante aliâ potentiâ exercitus, ut ambulare et loqui; qui a voluntate imperantur, exercentur autem mediante potentiâ motivâ. Quantum igitur ad actus a voluntate imperatos, voluntas violentiam pati potest, inquantum per violentiam exteriora membra impediri possunt, ne imperium voluntatis exequantur. Sed quantum ad ipsum proprium actum voluntatis, non potest ei violentia inferri. Et huius est ratio, quia actus voluntatis nihil est aliud quam inclinatio quaedam procedens ab interiori principio*

absolute compulsion, the subject resisting internally, are involuntary (*actus simpliciter involuntarii*). When the compulsion is not absolute, the acts performed under it are more or less voluntary, according to the degree of resistance offered.[8]

2. IGNORANCE.—When a man has no knowledge of the end intended, he is said to be ignorant. Moral ignorance may therefore be defined as a lack of that knowledge which a person ought

cognoscente, sicut appetitus naturalis est quaedam inclinatio ab interiori principio et [*sed*] *sine cognitione. Quod autem est coactum vel violentum, est ab exteriori principio. Unde contra rationem ipsius actus voluntatis est, quod sit coactus vel violentus, sicut etiam est contra rationem naturalis inclinationis vel motus lapidis, quod feratur sursum. Potest enim lapis per violentiam ferri sursum, sed quod iste motus violentus sit ex eius naturali inclinatione, esse non potest. Similiter etiam potest homo per violentiam trahi, sed quod hoc sit ex eius voluntate, repugnat rationi violentiae."*—Cfr. St. Anselm, *De Lib. Arbitr.*, c. 5: *"Velle non potest invitus, quia velle non potest nolens velle."* (Migne, *P. L.*, CLVIII, 496). God can *ex nolente facere volentem per gratiam efficacem* (St. Alphonsus, *De Act. Human.*, n. 19), and, by His omnipotence, cause the human will to act or abstain from acting; but He cannot properly speaking compel it, because He cannot cause it to will and not to will the same thing at one and the same time.—Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 10, art. 4: *"Ad providentiam divinam non pertinet naturam rerum corrumpere, sed* [*con*]*servare."*—IDEM, *De Veritate*, qu. 22, art. 8: *"Deus potest immutare voluntatem de necessitate, non tamen potest eam cogere."*

8 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 5.—That internal compulsion (*necessitas*) destroys the freedom of the will has been indirectly defined by the Church. Cfr. *Prop. Damnat. Baii*, prop. 46: *"Ad rationem et definitionem peccati non pertinet voluntarium."* Prop. 67: *"Homo peccat, etiam damnabiliter, in eo, quod necessario facit."* —*Prop. Damnat. Iansenii*, prop. 3: *"Ad merendum et demerendum in statu naturae lapsae non requiritur in homine libertas a necessitate, sed sufficit libertas a coactione."*—*Prop. Damnat. ab Alexandro VIII.* (7 Dec., 1690), prop. 1: *"In statu naturae lapsae ad peccatum formale et demeritum sufficit illa libertas, quâ voluntarium ac liberum fuit in causa sua, peccato originali et voluntate Adami peccantis."* (Denzinger-Bannwart, n. 1046, 1067, 1094, 1291). —Cfr. *Conc. Trident.*, Sess. VI, can. 4.

to have in order to perform the duties of his office or vocation. It is impossible to will a thing that lies outside the scope of one's knowledge.[4] If a man unknowingly directs his action towards such an object, that action is in so far forth involuntary (*involuntarium*).[5]

Ignorance may be culpable or inculpable (*culpabilis s. inculpabilis*), vincible or invincible (*vincibilis s. invincibilis*).

Invincible ignorance is that which cannot be overcome by the use of ordinary intelligence. It involves no moral responsibility.

Vincible ignorance, on the other hand,—the kind that can be dispelled by the use of ordinary intelligence,—may, in certain circumstances, diminish moral responsibility, but never entirely abolishes it; for whatever is done in a state of vincible ignorance, is willed at least indirectly, and to that extent is voluntary.

Ignorance due to gross negligence is called crass or supine (*ignorantia crassa*); when means are used to foster it, it is called affected (*ignorantia affectata*). Both crass and affected ignorance are sinful.[6]

4 "*Quod latet, ignotum est,*" "*Ignoti nulla cupido,*" are Scholastic axioms.

5 Cfr. St. Augustine, *De Lib. Arbitr.*, III, c. 19, n. 53: "*Non tibi deputatur ad culpam, quod invitus ignoras, sed quod neglegis quaerere, quod ignoras.*" (Migne, *P. L.*, XXXII, 1297).—Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 76, art. 2–3.

6 Cfr. Job XXI, 14; John IX, 41; XV, 22.

3. Fear.—Fear (*metus*) is a disturbed condition of the mind caused by real or imaginary danger. Fear does not always destroy free-will, but generally diminishes accountability.[7]

Fear is grave or slight (*metus gravis s. levis*) according to the nature of the danger by which it is caused. As fear, generally speaking, does not exercise compulsion, the actions which it inspires are voluntary, though the degree of their imputability varies in proportion to the disturbance excited in the mind. Both canon and civil law regard acts inspired by grave and unjust fear as void.[8] If serious evil or danger suddenly overwhelms a man, so as to deprive him momentarily of the use of reason, the acts he performs in that state are involuntary; in other words, a man may sometimes be so disturbed by fear that free-will is suspended.

4. Concupiscence.—Concupiscence (*concupiscentia*), in the general sense of the term, is any movement of the sensitive appetite towards its proper object.[9] More particularly, it is that inordinate inclination to evil which is in human nature since the fall of Adam and Eve.[10]

7 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 6; qu. 41–44; St. Alphonsus, *De Act. Human.*, n. 20–22.

8 Cfr. J. Laurentius, S.J., *Instit. Iuris Eccl.*, Freiburg 1903, pp. 458 sqq.; E. Taunton, *The Law of the Church*, London 1906, p. 345.

9 Cfr. *Catechismus Romanus*, P. III, c. 10, qu. 5: *"Sciendum est, concupiscentiam esse commotionem quandam ac vim animi, quâ impulsi homines, quas non habent, res iucundas appetunt."*

10 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 30, art. 1–3: *"Concu-*

Concupiscence may precede or follow the action of the will. In the former case it is called *antecedent;* in the latter, *consequent.*

Antecedent concupiscence (*concupiscentia antecedens*) is involuntary when it completely impedes the use of reason, and in that case there is no accountability. Men are often "blinded by passion." When the use of reason is not entirely suspended, the guilt of an evil act may be greatly diminished by passion.[11] Thus, to kill a man in a rage is less criminal than to murder him in cold blood.

Consequent concupiscence (*concupiscentia consequens*) may to some extent obscure the light of reason, but as a rule increases the malice of evil acts[12] because it is either deliberately ex-

piscentia est appetitus boni delectabilis . . . secundum sensum, . . . appetitus sensitivus, passio appetitus sensitivi." Cfr. qu. 77, art. 1 and 7.—St. Alphonsus, *De Act. Human.*, n. 23–25; Pohle-Preuss, *God the Author of Nature and the Supernatural*, 2nd ed., St. Louis 1916, pp. 203, 217, 245, 261 sqq., 283 sqq.

11 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 77, art. 7: "*Passio quandoque quidem est tanta, quod totaliter aufert usum rationis, sicut patet in his qui propter amorem vel iram insaniunt, et tunc si talis passio a principio fuerit voluntaria, imputatur actus ad peccatum, quia est voluntarius in sua causa. . . . Si vero causa non fuerit voluntaria, sed naturalis, puta quum aliquis ex aegritudine vel aliqua huiusmodi causa incidit in talem passionem, quae totaliter aufert usum rationis, actus omnino redditur involuntarius et per consequens totaliter a peccato excusatur. Quandoque vero passio non est tanta, quod totaliter intercipiat usum rationis, et tunc ratio potest passionem excludere divertendo ad alias cogitationes vel impedire, ne suum consequatur effectum, quia membra non applicantur operi nisi per consensum rationis. Unde talis passio non totaliter excusat a peccato.*" (Cfr. qu. 10, art. 3; qu. 73, art. 6).

12 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, art. 7: "*Concupiscentia non causat involuntarium, sed magis facit aliquid voluntarium. Dicitur enim aliquid voluntarium ex eo, quod voluntas in id fertur; per concupiscentiam autem voluntas inclinatur ad volendum id quod concupiscit, et*

cited by the will or, at any rate, willed in its cause.[13]

READINGS.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 6, qu. 76 sq.—V. Cathrein, S.J., *Moralphilosophie,* Vol. I, 4th ed., Freiburg 1904, pp. 73 sqq.—A. Huber, *Die Hemmnisse der Willensfreiheit,* pp. 48 sqq.—Ballerini-Palmieri, *Opus Theol. Mor.*, Vol. I, tr. 1, c. 3-6.—Th. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 30 sqq.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 41 sqq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., Haaren 1910, pp. 59 sqq.—F. P. Kenrick, *Theologia Moralis,* Vol. I, pp. 7 sqq.

ideo concupiscentia magis facit ad hoc, quod aliquid sit voluntarium quam quod sit involuntarium."—Qu. 77, art. 1: "*Passio appetitus sensitivi non potest directe trahere aut movere voluntatem, sed indirecte potest et hoc dupliciter: uno quidem modo secundum quandam abstractionem. . . . Alio modo ex parte obiecti voluntatis, quod est bonum ratione apprehensum.*"

13 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 77, art. 6: "*Passio consequens non diminuit peccatum, sed magis auget vel potius est signum magnitudinis eius, inquantum scil. demonstrat intensionem voluntatis ad actum peccati. Et sic verum est, quod quanto aliquis maiore libidine vel concupiscentiâ peccat, tanto magis peccat.*"—IDEM, *De Veritate,* qu. 26, art. 7: "*Passio ipsa consequens in inferiori appetitu est signum, quod sit motus voluntatis intensus. Non enim potest esse in natura passibili, quod voluntas ad aliquid fortiter moveatur, quin sequatur aliqua passio in parte inferiori. Unde dicit Augustinus, dum vitae huius infirmitatem gerimus, si passiones nullas habemus, non recte vivimus.*"—The passage of St. Augustine here referred to by the Angelic Doctor is *De Civitate Dei,* XIV, c. 9, n. 4 (Migne, *P. L.*, XLI, 451).

CHAPTER II

THE OBJECTIVE NORM OF MORALITY—LAW, DIVINE AND HUMAN

SECTION I

THE CONCEPT OF LAW

1. The objective norm of morality, *i. e.*, the rule by which men must regulate their conduct, is the will of God as manifested through nature and Revelation.

"The measure or rule of the human will is two-fold, one proximate and homogeneous to the will itself, namely human reason; the other is the first rule, namely, the eternal law, which is as it were the reason of God." [1]

Whenever an act proceeds to the end according to the order of reason and of the eternal law, the act is right; when it swerves from this rectitude, it is wrong, *i. e.*, a sin.[2]

1 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 71, art. 6: "*Regula humanae voluntatis est duplex: una propinqua et homogenea, scil. ipsa humana ratio; alia vero est prima regula, scil. lex aeterna, quae est quasi ratio Dei.*" (Rickaby's tr.).

2 *Summa Theol.*, 1a 2ae, qu. 21, art. 1: "*In his, quae aguntur per voluntatem, regula proxima est ratio humana, regula autem suprema est lex aeterna. . . . Omnis actus voluntarius est malus per hoc, quod recedit ab ordine rationis et legis*

Law, therefore, is but another name for the divine will recognized as the standard of human conduct.[3] In a narrower sense law may be defined as "an ordinance of reason for the general good, promulgated by him who has the care of the community." [4]

2. The source and measure of all law, physical, spiritual, and ethical, is the *lex aeterna, i. e.*, the intellect and will of God commanding men to observe the right order and forbidding its disturbance.[5]

This divine law is promulgated in time (*lex temporalis*), (1) as the law of physical nature and (2) as the law of the moral order (*lex moralis*).

The moral law is either natural, in as far as it is promulgated by the rational nature of man (*lex moralis naturalis, ius naturae*),[6] or positive (*lex moralis positiva*), in so far as it is made known by supernatural Revelation.[7]

God also manifests His will through human

aeternae, et omnis actus bonus concordat rationi et legi aeternae."

3 *Summa Theol.*, 1a 2ae, qu. 90, art. 1: "*Lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum vel ab agendo retrahitur. Dicitur enim lex a ligando, quia obligat ad agendum.*"—On the derivation of the word *lex* from *legere* see Cicero, *De Legibus*, I, 19; St. Augustine, *Quaest. in Heptateuch.*, III, qu. 20 (Migne, *P. L.*, XXXIV, 681).

4 "*Lex nihil aliud est quam quaedam ordinatio rationis ad bonum commune ab eo, qui curam habet communitatis, promulgata.*" (St. Thomas, *Summa Theol.*, 1a 2ae, qu. 90, art. 4).

5 Cfr. St. Augustine, *Contra Faust. Manich.*, XXII, c. 27 (Migne, *P. L.*, XLII, 418).

6 Deut. XXX, 11–14; Matth. VII, 12; Rom. II, 14–15.

7 Ps. CXLVII, 19; Heb. I, 1–2.

laws, which are called ecclesiastical (*leges ecclesiasticae s. canonicae*) when made by the Church, or civil (*leges civiles*) when imposed by the authority of the State.

READINGS.—St. Thomas, *Summa Theologica*, 1a 2ae, qu. 90–108 (Rickaby, *Aquinas Ethicus*, Vol. I, pp. 264 sqq.).—E. Seydel, *Das ewige Gesetz*, Vienna 1902.—E. Janvier, *Exposition de la Morale Catholique*, Vol. VII, Paris 1909.—Thos. Slater, S.J., *A Manual of Moral Theology*, Vol. I, New York 1908, pp. 81 sqq.—Jos. Rickaby, S.J., *Moral Philosophy*, new impression, London 1908, pp. 126 sqq.—Suarez, *De Legibus*, Vol. I, 12 and II, 6.—V. Cathrein, S.J., art. "Law" in the *Catholic Encyclopedia*, Vol. IX, pp. 53 sqq.—IDEM, *Moralphilosophie*, Vol. I, 4th ed., pp. 332 sqq.—Thos. Bouquillon, *Theologia Fundamentalis*, n. 52 sqq.—S. Schiffini, S.J., *Philosophia Moralis*, Turin 1891, Vol. I, pp. 104 sqq. —M. Cronin, *The Science of Ethics*, Vol. I, pp. 597 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., Haaren 1910, pp. 120 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis*, Vol. II, Tournai 1905, pp. 119 sqq.

SECTION 2

THE MORAL LAW OF NATURE

1. Definition.—By the moral law of nature (*lex moralis naturalis*) is understood the sum-total of those ethical precepts which God has implanted in the rational nature of man. It is that law which St. Paul says is "written in the hearts" of men,[1] in order to enable them to attain their natural destiny as free beings,[2] capable of doing right or wrong.

The moral law of nature is promulgated by reason.

The content or object of this law are the general conditions under which man lives as an ethi-

1 Rom. II, 15.—Cfr. Pohle-Preuss, *God: His Knowability, Essence, and Attributes*, pp. 18 sqq.—St. Augustine, *De Div. Quaest.*, 83, qu. 33, n. 2: "*Quasi transcripta est naturalis lex in animam rationalem, ut in ipsa vitae huius conversatione moribusque terrenis homines talium distributionum imagines servent.*" (Migne, *P. L.*, XL, 36).—Idem, *Epist.*, CLVII (*al.* 89), n. 15: "*Lex est etiam in ratione hominis, qui iam utitur arbitrio libertatis, naturaliter in corde conscripta, qua suggeritur, ne aliquid faciat quisque alteri, quod pati ipse non vult.*" (*P. L.*, XXXIII, 681).

2 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 91, art. 2: "*Lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura.*"—*Ibid.*, qu. 93, art. 1: "*Lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum.*"

cal being, especially his relations to God, to himself, and to his fellowmen.[3]

Though present from the beginning, the moral law of nature at first manifests itself but vaguely in human reason, but with the growth of that faculty the concept of law and its obligatory force is more clearly and fully brought home to the individual.

2. EXISTENCE.—The existence of the moral law of nature can be proved from the Old and the New Testament.

It is of this natural law, above all others, that Jehovah says: "This commandment that I command thee this day is not above thee, nor far off from thee. Nor is it in heaven, that thou shouldst say: Which of us can go up to heaven to bring it unto us, and we may hear and fulfil it in work? Nor is it beyond the sea: that thou mayest excuse thyself, and say: Which of us can cross the sea, and bring it unto us: that we may hear, and do that which is commanded? But the word is very nigh unto thee, in thy mouth and in thy heart, that thou mayest do it." [4]

More definite is the teaching of St. Paul, who says: "For when the gentiles, who have not the [positive divine] law, do by nature those things that are of the law; these having not the

3 Rom. I, 18–25; Tob. IV, 16; Matth. VII, 12.

4 Deut. XXX, 1–14; cfr. Jer. XXI, 31–33; Wisd. IV, 20; Matth. VII, 12.

law [*i. e.*, the positive law] are a law to themselves: who shew the work [*i. e.*, substance] of the law written in their hearts, their conscience bearing witness to them, and their thoughts between themselves, accusing, or also defending one another." [5]

Therefore, though the positive law of God had not been revealed to the gentiles, they knew and observed its essence in the Decalogue. The law was implanted in their very nature and revealed itself to them.

The existence of the moral law of nature is attested by human consciousness. Cicero says that the natural law is co-eval with the divine intellect, and that all men are imbued with it.[6] Ecclesiastical Tradition on the subject is so constant and uniform that there is no need of developing it.[7]

5 Rom. II, 14–15.—Cfr. Th. H. Simar, *Theologie des hl. Paulus*, 2nd ed., pp. 80 sqq.; J. Quirmbach, *Die Lehre des hl. Paulus von der natürlichen Gotteserkenntnis und dem natürlichen Sittengesetz*, Freiburg 1906, pp. 60 sqq.

6 *De Legibus*, II, 4: *"Orta est simul cum mente divina. Quamobrem lex vera atque princeps, apta ad iubendum et ad vetandum, ratio est recta summi Iovis."* Cfr. *Pro Milone*, 10: *"Est non scripta, sed nata lex, . . . ad quam non docti, sed facti, non instituti, sed imbuti sumus."*

7 On the teaching of Clement of Alexandria and Origen see the monographs of W. Capitaine, *Die Moral des Klemens v. Alexandrien*, Paderborn 1903, pp. 225 sqq., and *De Origenis Ethica*, Münster 1898, pp. 76 sqq.—St. Ambrose says (*De Abraham*, II, c. 11, n. 98): *"Nesciat [sapiens] nisi secundum naturam vivere, in cuius instituto et ordine Dei lex est."* (Migne, *P. L.*, XIV, 500).—Idem, *De Fuga Saec.*, c. 3, n. 15: *"Lex gemina est, naturalis et scripta. Naturalis in corde, scripta in tabulis."* (*P. L.*, XIV, 577).—Idem, *Epist.*, 73, n. 2–3: *"Esse legem naturalem in cordibus nostris etiam Apostolus docet, qui scripsit, quia plerumque 'et gentes naturaliter ea, quae legis sunt, faciunt,' etc. Ea igitur lex non scribitur, sed innascitur, nec aliqua percipitur lectione, sed profluo quodam naturae fonte in singulis exprimitur et humanis in-*

God Himself is the author of the moral law of nature. The organ of the natural revelation through which He promulgates it, is human reason.

Reason, therefore, is not the author of law.[8] Reason is not autonomous; it cannot make laws independently of God,[9] but is merely the organ through which the Supreme Lawgiver proclaims His will.[10] It was in this sense that St. Augustine called the moral law of nature "the law of reason which not even iniquity itself is able to destroy." [11]

The sum-total of the ordinances contained in the moral law of nature is often called "the natural law." [12] The existence of a natural law in this sense is admitted by all Catholic philosophers and theologians. But there is a controversy regarding the question whether the natural law embodies practicable rules for all the social relations of men, binding them prior to and outside of positive, especially human, legislation.[13]

geniis hauritur." (*P. L.*, XVI, 1251).—On the teaching of St. Augustine, who treats of the natural law very exhaustively in different parts of his writings, see H. Oberrauch, *De Lege Dei Aeterna ad Mentem S. Augustini*, Innsbruck 1776, pp. 14 sqq.—The Catechism of the Council of Trent (III, c. 1, qu. 3) says: "*Nemo est, quin sibi a Deo legem in animo insitam esse sentiat.*"—Pius IX, in his Encyclical Letter of Aug. 10, 1863, declares: "*Naturalem legem in omnium cordibus a Deo insculptam esse.*"

8 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 91, art. 3, ad 2: "*Ratio humana secundum se non est regula morum, sed principia ei naturaliter indita sunt regulae quaedam generales et mensuratae omnium eorum, quae sunt per hominem agenda.*"—The Syllabus of Pius IX condemns the following assertion (prop. 3): "*Humana ratio, nullo prorsus Dei respectu habito, unicus est veri et falsi, boni et mali arbiter, sibi ipsi est lex et naturalibus suis viribus ad hominum ac populorum bonum curandum sufficit.*" (Denzinger-Bannwart, n. 1703).

9 Cfr. Deut. VI, 13; Matth. IV, 10; Luke XXII, 42; John IV, 34; VI, 36.

10 Cfr. Saint Thomas, *Summa Theol.*, 1a 2ae, qu. 90, art. 4, ad 1: "*Promulgatio legis naturae est ex hoc ipso, quod Deus eam mentibus hominum inseruit cognoscendam.*"

11 "*Lex rationis, quam ne ipsa quidem delet iniquitas.*" *Epist.*, 157 (*al.* 80), n. 18 (Migne, *P. L.*, XXXIII, 683); cfr. *Confess.*, II, c. 4 (*P. L.*, XXXII, 678).

12 *Ius naturale.*

13 Cfr. Theodore Meyer, S.J., *Die*

READINGS.—Theodore Meyer, S.J., *Institutiones Iuris Naturalis*, Vol. I, 2nd ed., Freiburg 1906.—G. von Hertling, *Kleine Schriften zur Zeitgeschichte und Politik*, Freiburg 1897, pp. 168 sqq.—C. Gutberlet, *Ethik und Naturrecht*, 3rd ed., pp. 123 sqq.—Jos. Rickaby, S.J., *Moral Philosophy*, pp. 133 sqq.—J. Haring, *Der Rechts- und Gesetzesbegriff*, Graz 1899, pp. 25 sqq.—V. Cathrein, S.J., *Recht, Naturrecht und positives Recht*, Freiburg 1901, pp. 101 sqq.—IDEM, in the *Catholic Encyclopedia*, Vol. V, pp. 562 sq.—R. I. Holaind, S.J., *Natural Law and Legal Practice*, New York 1899, pp. 37 sqq.—M. Cronin, *The Science of Ethics*, Vol. I, pp. 607 sqq. —A. Tanquerey, S.S., *Synopsis Theologiae Moralis*, Vol. II, pp. 123 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 139 sqq.

Grundsätze der Sittlichkeit und des Rechts, Freiburg 1868, pp. 147 sqq.; V. Cathrein, S.J., *Moralphilosophie*, Vol. I, 4th ed., pp. 485 sqq.

SECTION 3

BINDING FORCE OF THE NATURAL LAW

1. The natural law is universal, that is to say, it embraces all the actions of man.[1] Because of this universality it is the foundation and measure of all positive law, divine as well as human, ecclesiastical as well as civil.[2] No law is valid unless it conforms to the moral law of nature. Hence it is false to say that politicians and diplomats are bound by a different law than that which governs private life.

The natural law, moreover, is universal because it binds all men. Its divine Author recognizes no "super-man." No human being is "beyond good and bad," as Nietzsche would have it, but all without exception are subject to the precepts of the moral law.[3] Human nature is essentially the

1 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 93, art. 1: *"Lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum."*

2 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 99, art. 2, ad 1: *"Sicut gratia praesupponit naturam, ita oportet, quod lex divina praesupponat legem naturalem."*—*Ibid.*, qu. 95, art. 2: *"Omnis lex humanitus posita intantum habet de ratione legis, inquantum a lege naturae derivatur. Si vero in aliquo a lege naturali discordet, iam non erit lex, sed legis corruptio."*—F. Suarez, *De Legibus*, II, c. 9, n. 10: *"Natura est fundamentum tam gratiae quam cuiuscunque legis humanae. Principia etiam naturalia, per quae homo in moralibus gubernari debet, tam sunt generalia, ut virtute* [*i. e. virtualiter*] *comprehendant omnem obligationem, ita ut nulla possit homini applicari nisi mediantibus illis principiis."* (*Opera Omnia*, V, 120).

3 Pius IX condemned the follow-

same in all men, and hence all are equal before the natural law without distinction of time, place, sex, or intellectual attainments. *"Lex naturalis,"* the Schoolmen were wont to say, *"est una omnium."* [4]

In view of the fact that the light of reason was darkened by the fall of our first parents, we must distinguish between primary and secondary precepts of the natural law.[5] The knowledge of the former (*prima et communissima principia*), though often impaired by sin, cannot be effaced from the human conscience. Man may, however, through internal and external influences, so completely lose all knowledge of the secondary prin-

ing propositions in his famous Syllabus (No. 56): *"Morum leges divinâ haud egent sanctione minimeque opus est, ut humanae leges ad naturae ius conformentur aut obligandi viam a Deo accipiant."* No. 64: *"Tum cuiusque sanctissimi iuramenti violatio tum quaelibet scelesta flagitiosaque actio sempiternae legi repugnans non solum haud est improbanda, verum etiam omnino licita summisque laudibus efferenda, quando id pro patriae amore agatur."* (Denzinger-Bannwart, numbers 1756 and 1764).

4 Cfr. Cicero, *De Republica*, III, 22: *"Nec erit alia lex Romae, alia Athenis, alia nunc, alia postea, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium Deus, ille legis huius inventor, disceptator, lator. Cui, qui non parebit, ipse se fugiet ac naturam hominis aspernatus hoc ipso luet maximas poenas."*—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 91, art. 5, ad 3: *"Lex naturalis dirigit hominem secundum quaedam praecepta communia, in quibus conveniunt tam perfecti quam imperfecti, et ideo est una omnium. Sed lex divina dirigit hominem etiam in particularibus quibusdam, ad quae non similiter se habent perfecti et imperfecti, et ideo oportuit legem esse duplicem."*—On the foolish notion of the "superman" see W. Schneider, *Göttliche Weltordnung*, 2nd ed., pp. 165 sqq., 233 sqq.; F. Sawicki, *Das Problem der Persönlichkeit und des Übermenschen*, Paderborn 1909.

5 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 94, art. 6: *"Ad legem naturalem pertinent primo quidem quaedam praecepta communissima, quae sunt omnibus nota, secundario autem quaedam secundaria praecepta magis propria, quae sunt quasi conclusiones propinquae principiis."*

ciples of the natural law (*praecepta secundaria*) that he is led to commit evil actions without being aware of their true character.[6] Such actions are morally guiltless, which is but another way of saying that with regard to the secondary precepts of the natural law there may be what theologians call *ignorantia invincibilis et inculpabilis*.[7]

Many writers distinguish three species of moral precepts:

(1) First, highest, and most general precepts (*praecepta primaria*), as, "We must do good and avoid evil," "We must worship God," etc.;

(2) Secondary precepts (*praecepta secundaria*), derived by direct deduction from the first, as: "We must not blaspheme," "We must not lie," etc.;

(3) Remote precepts (*praecepta remota*), which are

6 Cfr. Tertullian, *De Anima*, c. 41: *"Inest et bonum animae illud principale, illud divinum atque germanum et proprie naturale. Quod enim a Deo est, non tam extinguitur quam obumbratur. Potest enim obumbrari, quia non est Deus, extingui non potest, quia a Deo est."* (*Corpus Script. Eccles. Lat.*, Vol. XX, pp. 1, 368).—St. Augustine, *Confess.*, II, c. 4: *"Lex scripta in cordibus hominum, quam ne ipsa quidem delet iniquitas."* (Migne, *P. L.*, XXXII, 678).—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 94, art. 6: *"Quantum ad illa principia communia, lex naturalis nullo modo potest a cordibus hominum deleri in universali, deletur tamen in particulari operabili, secundum quod ratio impeditur applicare commune principium ad particulare operabile propter concupiscentiam vel aliquam aliam passionem. Quantum vero ad alia praecepta secundaria, potest lex naturalis deleri de cordibus hominum vel propter malas persuasiones (eo modo, quo etiam in speculativis errores contingunt circa conclusiones necessarias) vel etiam propter pravas consuetudines et habitus corruptos, sicut apud quosdam non reputabantur latrocinia peccata vel etiam vitia contra naturam, sicut etiam Apostolus dicit."* (Rom. I, 18–32).

7 Among the propositions condemned by Alexander VIII, Dec. 7, 1690, is the following (prop. 2): *"Tametsi detur ignorantia invincibilis iuris naturae, haec in statu naturae lapsae operantem ex ipsa non excusat a peccato formali."* (Denzinger-Bannwart, n. 1291).—On the theological controversy regarding the *ig-*

deducible from the first indirectly, by a process of logical reasoning, as: "It is wrong to practice usury," "Lost articles should be restored to their rightful owners," etc.

With regard to precepts of the second class (*secundaria*), persons intellectually undeveloped or unfamiliar with the common teaching of morality may occasionally err, though only for a time. The precepts of the third class are easily subject to invincible, and therefore guiltless, error.

It is impossible, however, to draw a hard and fast line between the precepts of the second and those of the third class. Some theologians (Scotus, Gerson, etc.) have held that the unity and indissolubility of marriage, the right of private property, and other important principles, cannot be deduced with certainty from the primary precepts of the natural law.[8]

2. With respect to its binding force, the moral law of nature is absolute or unchangeable, that is to say, it cannot be abrogated by positive divine or human law.[9] Not even God can change it or dispense from its precepts. The reason is that, as He commands man absolutely through the voice of conscience to do good and avoid evil, it would be a contradiction were He to permit anyone to disobey that voice.[10]

norantia invincibilis, cfr. K. Werner, *Franz Suarez*, Vol. I, pp. 354 sqq.

8 Cfr. A. Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. II, pp. 852 sq.

9 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 94, art. 5; V. Cathrein, S.J., *Moralphilosophie*, Vol. I, 4th ed., pp. 401 sqq.

10 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 100, art. 8, ad 2: "*Apostolus dicit* (*2 Tim. II, 13*): '*Deus fidelis permanet, negare seipsum non*

Those who hold that God can dispense from the precepts of the natural law, regard that law as an arbitrary fiat or else think there is no other way of explaining certain incidents recorded in the Old Testament (the sacrifice of Abraham, the appropriation of the golden vessels by the Israelites, the marriage of Osee,[11] etc.). The former assumption is manifestly false. The latter may be characterized as a clumsy subterfuge. The exegetical difficulties which it was devised to meet, are real; but they cannot be solved by the assumption that God, as the Sovereign Lord and Lawgiver, can dispense from the precepts of the natural law and arbitrarily dispose of the lives and property of men.[12] For, though there are some technical difficulties in the text,[13] it is clearly impossible for God to dispense any man from the natural law because that law is an effluence of His *voluntas ordinata, i. e.,* His will

potest.' Negaret autem seipsum, si ordinem suae iustitiae auferret, quum ipse sit sua iustitia. Et ideo in hoc Deus dispensare non potest, ut homini liceat non ordinate se habere ad Deum vel non subdi ordini iustitiae eius etiam in his, secundum quae homines ad invicem ordinantur."

11 Gen. XXII, 2; Ex. I, 15–21; III, 22; XI, 2; XII, 35–36; Os. 1, 2.

12 Cfr. St. Augustine, *Quaestiones in Heptateuch.,* VII, qu. 36 (Migne, *P. L.,* XXXIV, 803); Idem, *De Civitate Dei,* I, c. 21 (*P. L.,* XLI, 35); Idem, *De Divers. Quaest.,* 83, qu. 53 (*P. L.,* XL, 34–38); St. Bernard, *Liber de Praec. et Dispens.,* c. 3, n. 6–8 (*P. L.,* CLXXXII, 864); St. Thomas, *Summa Theol.,* 1a 2ae, qu. 100, art. 8, ad 3.

13 With regard to the sacrifice of Abraham cfr. P. Scholz, *Die hl. Altertümer des Volkes Israel,* Vol. II, Ratisbon 1868, pp. 119 sq.; on the marriage of Osee, W. Riedel, *Alttestamentliche Untersuchungen,* Leipsic 1902, pp. 1 sqq. (The prophet's consort was a servant of Baal and an idolatress, and in this sense is called "a wife of fornications"). On Ex. III, 22 see F. Bennewitz, *Die Sünde im alten Israel,* Leipsic 1907, pp. 70 sqq.—Cfr. Ph. Kneib, *Die "Jenseitsmoral,"* pp. 200 sqq.

as governed by His wisdom and benevolence.[14] Whatever the natural law commands is good and whatever it forbids is evil, not because it is commanded or forbidden by lawful authority, but because it is in conformity with, or opposed to, man's rational nature; or, as the Scholastics say, *"Non sunt bona quia praecepta, sed praecepta quia bona."*

To this consideration may be added another. God's action furnishes the ideal for the moral conduct of men. "Be ye holy, because I the Lord your God am holy."[15] He is absolute goodness. "One is good, God."[16] Jesus Christ, the second Person of the Trinity, is the pattern-exemplar of all perfection, "as a kind of law and living justice."[17] Were God, therefore, even in one single instance, to dispense from the natural law, He would set up a different rule of conduct for Himself and His rational creatures, and thus confuse the minds of men, give scandal, and render His own example ineffective.[18]

14 Cfr. Rom. VII, 14; Eph. I, 11; Kneib, *Die "Jenseitsmoral,"* pp. 38 sqq.; P. Minges, O.F.M., *Der Gottesbegriff des Duns Scotus,* pp. 101 sqq., 120 sqq.

15 Lev. XIX, 2; cfr. Lev. XI, 44; Matth. V, 48; 1 Pet. I, 16.

16 Matth. XIX, 17: *"Unus est bonus, Deus."*

17 "*. . . quasi quaedam lex et quaedam iustitia animata.*" (St. Thomas, *Summa Theol.,* 3a, qu. 59, art. 2, ad 1).

18 St. Thomas, *De Veritate,* qu. 23, art. 6: *"Voluntas non habet rationem primae regulae, sed est regula recta. Dirigitur enim per rationem et intellectum, non solum in nobis, sed in Deo. . . . Dicere quod ex simplici voluntate dependeat iustitia, est dicere, quod divina voluntas non procedat secundum ordinem sapientiae, quod est blasphemum."*—Idem, *Summa Theol.,* 1a, qu. 21, art. 1, ad 2: *"Quum bonum intellectum sit obiectum voluntatis, impossibile est,*

To-day not a few who reject the teaching of Christianity demand an ethical system in which man is his own law. This demand is to some extent justified. Man has a right to insist that the moral yoke imposed on him should conform to his rational nature. But reason is not the highest and final authority. Man, far from being independent and autonomous, is a creature subject to God. On the other hand we must not exaggerate the heteronomous side of Christian ethics. The moral law is not an arbitrary fiat of the Almighty which demands blind obedience without regard to the dictates of reason. Heteronomy in this sense would be unworthy of human nature and of God. In matter of fact Christian morality is by no means onesidedly heteronomous. It combines autonomy with heteronomy by teaching that, though God is the Author of all law, His will is not arbitrary, but based on His wisdom. Human reason being a reflection of the divine Intellect, its dictates must coincide with the laws of God. In other words, the will of God is promulgated in our rational nature, which thereby becomes for us the proximate, though only a secondary, source of the moral law. Man sins when he acts against his reason or conviction. But reason does not get its authority from itself. God, from whom all authority comes, has inscribed the natural law into the hearts of his rational creatures.

Thus, according to the Catholic view, man serves God by obeying the dictates of his reason, and morality is alike autonomous and heteronomous.

Deum velle nisi quod ratio suae sapientiae habet. Quae quidem est sicut lex iustitiae, secundum quam eius voluntas recta et iusta est. Unde quod secundum suam voluntatem facit, iuste facit, sicut et nos quod secundum legem facimus, iuste facimus. Sed nos quidem secundum legem alicuius superioris, Deus autem sibi ipsi est lex."

READINGS.—E. Sawicki, *Wert und Würde der Persönlichkeit im Christentum,* Cologne 1906.—IDEM, *Das Problem der Persönlichkeit und des Uebermenschen,* Paderborn 1909.—Ph. Kneib, *Die "Heteronomie" der christlichen Moral,* pp. 17 sqq.—IDEM, *Die "Jenseitsmoral" im Kampfe um ihre Grundlagen,* pp. 7 sqq.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 615 sqq.

SECTION 4

THE POSITIVE DIVINE LAW

The positive divine law consists of precepts which God has given and supernaturally revealed to men for their salvation. Such legislation is morally necessary because reason is seriously impaired in consequence of the fall of our first parents, and man has not only a natural but likewise a supernatural destiny.[1]

The manifestation of God's will known as the positive divine law is contained in the Old and New Testaments.

I. THE OLD TESTAMENT.—The positive law of

1 Cfr. St. Thomas, *Summa Theol.*, 1a, qu. 1, art. 1.—IDEM, *Summa contra Gentiles*, l. I, c. 4.—IDEM, *Comment. in Sent.*, III, dist. 24, qu. 1, art. 3.—*Conc. Vatican.*, Sess. III, c. 2; can. 2–3 *de Revel.*—St. Ambrose, *Epist.*, 78, n. 9: "*Non fuisset necessaria* [*lex, quae per Moysen data est*], *si illam legem naturalem servare potuissemus, sed quia non servavimus, ista lex per Moysen necessaria facta est.*" (Migne, *P. L.*, XVI, 1253).—St. Augustine, *Enarr. in Ps.*, 57, n. 1: "*Manus formatoris nostri in ipsis cordibus nostris veritas scripsit: 'Quod tibi non vis fieri, ne facias alteri.'* [*Tob. IV, 16; Matth. VII, 12*]. *Hoc et antequam lex daretur, nemo ignorare permissus est, ut esset unde iudicarentur et quibus lex non esset data. Sed ne sibi homines aliquid defuisse quererentur, scriptum est et in tabulis, quod in cordibus non legebant.*" (*P. L.*, XXXVI, 673).—IDEM, *Confess.*, VII, c. 21, n. 27 (*P. L.*, XXXII, 748).—F. J. Mach, *Die Notwendigkeit der Offenbarung*, Mayence, 1883.—J. Scheeben, *Dogmatik*, Vol. I, pp. 17 sqq.—Th. Meyer, S.J., *Instit. Iuris Naturalis*, Vol. I, 2nd ed., pp. 255 sqq.—*Cat. Rom.*, P. I, c. 2, qu. 6.—St. Thomas, *Summa Theol.*, 1a, qu. 1, art 1: "*A veritatis cognitione dependet tota hominis salus, quae in Deo est.*"

the Old Testament (*lex vetus*) is partly pre-Mosaic and partly Mosaic. The pre-Mosaic law consists of certain precepts given to individuals, (Noe, Abraham, etc.) mostly concerning divine worship, the use of animals for sacrifice, the rite of circumcision, etc.[2]

Rabbinic tradition has handed down seven "Noachian precepts," *i. e.* canons or laws which were given by Jehovah to the sons of Noe. These precepts enjoin: (1) Submission to civil authority, kings, judges, etc.; (2) Avoidance of idolatry and sacrilege; (3) Reverence for the name of God, as in taking an oath; (4) Proper restraint and direction of the sexual instinct; (5) Reverence for life, even of animals, by refusing to consume the blood of beasts as food; (6) Respect for the rights of property; (7) Refusal to eat the members of a living animal. To these the Rabbins added others. Thus no stranger was allowed to dwell among the Hebrews unless he became a "proselyte of the gate," *i. e.*, unless he worshipped the one true God and observed the Noachian precepts.

The Mosaic law consisted mainly of "the judgments, precepts, and laws which the Lord gave . . . in Mount Sinai by the hand of Moses."[3] These precepts are commonly divided into three classes: moral, ceremonial, and judicial.

2 Gen. VII, 2; IX, 4 (cfr. Acts XV, 20); XVII, 10–14; XXXVIII, 8 (cfr. Deut. XXV, 5 sq.).—A. Wiener, *Die jüdischen Speisegesetze*, Breslau 1895.—K. Böckenhoff, *Das apostolische Speisegesetz*, Paderborn 1903, pp. 8 sqq.—Idem, *Speisesatzungen mosaischer Art in mittelalterlichen Kirchenrechtsquellen*, Münster 1907, pp. 1 sqq., 50 sqq.—G. Resch, *Das Aposteldekret*, Leipsic 1905, pp. 19 sqq., 41 sqq.—A. Seeberg, *Die beiden Wege und das Aposteldekret*, Leipsic 1906, pp. 38 sqq., 53 sqq.

3 Lev. XXVI, 45; Deut. VI, 1, 20;

1. The purely moral precepts of the Mosaic law (*praecepta moralia*) are all traceable to the Decalogue.[4] They are "words of life,"[5] because they express the will of the living God and are intended to give eternal life to those who observe them.[6]

The Decalogue contains two precepts which do not formally coincide with the commandments of the natural law. They are: the (temporary) prohibition of graven things or images, and the sanctification of the Sabbath. With the exception of these two precepts, the Decalogue embodies the natural law and consequently forms the basis of all ethical teaching. This explains why Christ did not abrogate the law of Moses, but expounded and fulfilled it and raised it to a higher plane.[7]

The third commandment in its literal wording is purely ritual; it simply designates a day for public worship and commands that day to be hallowed in a definite man-

VII, 11.—Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 99, art. 2–5.

4 Ex. XX, 2–17; Deut. IV, 13; cfr. Matth. XXII, 37–40.—St. Augustine, *Serm.*, 9 (*al.* 96 *de temp.*), n. 7: *"Tota lex in duobus praeceptis est, in dilectione Dei et dilectione proximi; ad duo itaque praecepta, i. e. ad dilectionem Dei et proximi pertinet decalogus."*—*Ibid.*, n. 14: *"Decem praecepta ad duo illa referuntur, ut diligamus Deum et proximum; et duo illa ad unum illud. Unum est autem: 'Quod tibi fieri non vis, alii ne feceris.' Ibi continentur decem, ibi continentur duo."* (Migne, *P. L.*, XXXVIII, 80, 86).

5 λόγια ζῶντα. Acts VII, 38.—Cfr. J. E. Belser, *Die Apostelgeschichte*, Vienna 1905, p. 100.

6 Lev. XVIII, 5: "Keep my laws and my judgments, which if a man do, he shall live in them."—Cfr. Deut. XXXII, 47; Rom. VII, 10, 12, 14; Gal. III, 12.

7 Matth. V, 17 sqq.; Rom. III, 31.—Cfr. *Concil. Trident.*, Sess. VI, can. 19.

ner. The public worship of God as such is a precept of the natural law.[8]

2. The ceremonial precepts of the Mosaic law (*praecepta caeremonialia sive legalia*) typified Christ and His Church, and were abrogated by Him. "The law was our pedagogue in Christ," says St. Paul, "that we might be justified by faith; but after the faith is come, we are no longer under a pedagogue."[9] The ceremonial precepts of the Old Law, therefore, are no longer in force, but have been formally repealed, and hence it would be sinful to observe them. "Immediately after Christ's passion," says the Angelic Doctor, "[the legal precepts of the Old Law] were not only dead, *i. e.*, no longer either effectual or binding, but also deadly, that is to say, whoever observed them was guilty of mortal sin."[10]

3. The judicial precepts of the Old Law (*praecepta iudicialia*)[11] are likewise abrogated, but it

8 Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 122, art. 4; IDEM, *Comment. in Sent.*, III, dist. 37, art. 5.

9 Gal. II, 3–5; cfr. Gal. III, 24–29; IV, 9–10; V, 2.

10 *Summa Theol.*, 1a 2ae, qu. 103, art. 4, ad 1: *"Statim post passionem Christi inceperunt [praecepta legalia] esse non solum mortua, i. e. non habentia virtutem et obligationem, sed etiam mortifera, ita scilicet, quod peccabant mortaliter quicunque ea observabant."*—Cfr. Acts XV, 10.—St. Justin Martyr, *Dial. c. Tryph.*, c. 9–47.—St. Augustine, *Epist.*, 82 (*al.* 18), n. 16: *"Quisquis christianorum, quamvis sit ex Iudaeis, similiter ea celebrare voluerit, tamquam sopitos cineres eruens, non erit pius deductor vel baiulus corporis, sed impius sepulturae violator."*—*Ibid.*, n. 20: *Illa, quae significationis causa praecepta sunt, . . . permittenda paululum eis maxime, qui ex illo populo, cui data sunt, venerant. Postea vero tamquam cum honore sepulta sunt, a christianis omnibus irreparabiliter deserenda."* (Migne, *P. L.*, XXXIII, 282, 285).

11 Exod. XXI–XXIII.—Cfr. A. Schöpfer, *Geschichte des alten Testamentes*, 4th ed., Brixen 1906, pp.

would not be sinful to obey them as mere human precepts, provided no obligation is attributed to them because of their being contained in the Mosaic code. In the language of the Schoolmen, these precepts are "*mortua, non tamen mortifera.*" [12]

The moral law of the Old Testament was a special prerogative granted to the Israelites in preference to other nations because "by them the pure light of the law was to be given to the world." [13] But the Mosaic law was imperfect in its form (consisting mostly of prohibitions) as well as in the manner of its fulfilment. It did not possess the power of justifying those to whom it was given, nor was it intended for this purpose. Its sole aim was to remind the Israelites of their sinfulness and to inspire them with a desire for Christ, who was to fulfil and perfect the law.[14]

It would be wrong to say, however,—as Kant and Hegel and their respective followers do,—that the Mosaic law prescribed external acts only (*lex mosaica cohibet manum, non animum*). Its positive and negative precepts alike demand internal obedience, *e. g.*, thou shalt not

304 sqq.; M. Seisenberger (tr. Buchanan), *Practical Handbook for the Study of the Bible*, New York 1911, pp. 106 sqq.

12 Cfr. Saint Thomas, *Summa Theol.*, 1a 2ae, qu. 104, art. 3: "*Praecepta iudicialia sunt quidem mortua, quia non habent vim obligandi, non tamen sunt mortifera; quia si quis princeps ordinaret in regno suo illa iudicialia observari, non peccaret, nisi forte hoc modo observarentur vel observari mandarentur, tamquam habentia vim obligandi ex veteris legis institutione, Talis enim intentio observandi esset mortifera.*"—Cfr. F. E. Kübel, *Die soziale und volkswirtschaftliche Gesetzgebung des alten Testaments*, 2nd ed., Stuttgart 1891; F. Buhl, *Die sozialen Verhältnisse der Israeliten*, Berlin 1899; F. Walter, *Die Propheten in ihrem sozialen Beruf*, Freiburg 1900, pp. 14 sqq.

13 Wisd. XVIII, 4; cfr. Deut. IV, 8; Ps. CXLVII, 19–20; Bar. III, 9 to IV, 4; Rom. III, 1–2; IX, 4.

14 Gal. II, 21; III, 24; V, 1; cfr. Acts XV, 10.

covet. True, in obeying the law of Moses, the Israelites were moved chiefly by the fear of temporal punishment and the hope of temporal reward.[15] But these external sanctions were not their only motives. The more pious among them no doubt acted from higher considerations,—love of God, hope of eternal reward, etc. The commandments: "Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole strength," [16] and: "Be ye holy, because I the Lord your God am holy," [17] were not merely proclaimed, but inculcated as the rule of life. The Old Testament even anticipated the New by teaching that all men are children of God.[18] The Mosaic code was by no means a law without grace, but a "holy, just, and good law," [19] perfectly capable of sanctifying those who observed it.

It has become the fashion to speak disparagingly of the Ten Commandments. But, as a non-Catholic writer justly observes, "one who has studied the history of comparative religions will judge differently. He will perceive that the Decalogue represents the highest achievement in the religious life of the nations before Christ. For whereas other lawgivers dealt indiscriminately with things big and little, sublime and ridiculous, attributing

15 Heb. XII, 18–24.—St. Augustine, *Contra Adimant.*, c. 17, n. 2: "*Haec est brevissima et apertissima differentia duorum testamentorum: timor et amor; illud ad veterem, hoc ad novum hominem pertinet; utrumque tamen unius Dei misericordissimâ dispensatione prolatum atque coniunctum.*" (Migne, *P. L.*, XLII, 159).—Ph. Kneib, *Die "Jenseitsmoral,"* pp. 189 sqq., 204 sqq.

16 Deut. VI, 5 sqq.

17 Lev. XIX, 2, 18.

18 Lev. XI, 44; Deut. X, 16, 19; XI, 1, 13, 22; XIII, 3; XIV, 1; XXX, 6; Is. LXIII, 16; LXIV, 8; Mal. I, 6; Eccles. XII, 13; Ecclus. II, 20.—Cfr. G. Sternburg, *Die Ethik des Deuteronomium*, Berlin 1908; M. Wiener, *Die Anschauungen der Propheten von der Sittlichkeit*, Berlin 1909.

19 Rom. III, 31; VII, 12.—Cfr. *Prop. Damnat. Quesnelli*, prop. 64 sq. (Denzinger-Bannwart, n. 1414 sq.).

equal importance to each, the Decalogue contents itself with laying down the fundamentals of the moral and religious life for all times and generations. The Ten Commandments in their elementary majesty are a genuine revelation of the eternal moral order of the universe, because they emphasize the unity and spirituality of God, ascribe decisive importance to devotion in matters of life and worship, enjoin social precepts which are today admitted by all, and demand purity of intention and purpose." [20]

Another Protestant author says: "Ancient Babylonia was no doubt the center from which cultural influences radiated in every direction; but religion, which is the supreme achievement of all true culture, has its classic literature in the Bible." [21]

Despite vociferous assertions to the contrary, no true equivalent of the Decalogue or of any considerable portion thereof has been discovered among the literary remains of ancient Babylonia. The resemblances traceable between the Mosaic law and the code of Hammurapi are mainly juridical; ethically, the former is beyond comparison superior to the latter.[22]

II. THE NEW TESTAMENT.—The moral law of the New Testament (*lex nova sive evangelica*) is the purest and most perfect expression of the divine will. It is pre-eminently *the* law because its Author, who is none other than our Lord and

20 K. Furrer in the *Theologische Literaturzeitung*, Leipsic 1902, p. 419.

21 E. König, *Bibel und Babel*, 3rd ed., Berlin 1902, p. 51.

22 Cfr. H. Pope, O.P., *The Catholic Student's "Aids" to the Bible*, London 1913, pp. 33 sq.—M. Seisenberger, *Practical Handbook for the Study of the Bible*, New York 1911, pp. 272 sq.

Saviour Jesus Christ, is "the truth, the way, and the life." St. Paul says: "The law of the spirit of life, in Christ Jesus, hath delivered me from the law of sin and death."[23]

a) The superiority of the New as compared with the Old Law appears from its quadruple character as (α) a new law, (β) a law of the spirit, (γ) a law of grace and liberty, and (δ) a law of love.

α) As a new law, the Gospel effects moral regeneration and conversion;

β) As a law of the spirit, it raises men above the material and animates them with the life of faith;

γ) As a law of grace and liberty, it bestows divine grace, by which man is enabled to break the bonds of sin and to enjoy the prerogatives of the children of God;

δ) As a law of love, its motive, content, and fulfilment is charity, which is identical with God Himself.[24]

23 Rom. VIII, 2; cfr. Jas. I, 25; II, 12; John I, 17.

24 Rom. III, 27; VIII, 2; cfr. Jas. I, 25; II, 12; Matth. V, 17–47; XXII, 37–40; John XIII, 34–35; Col. III, 14.—St. Augustine, *De Spiritu et Lit.*, c. 24, n. 41: "*Sicut lex factorum scripta in tabulis lapideis mercesque eius terra illa promissionis, quam carnalis domus Israel, quum ex Aegypto liberata esset, accepit, pertinet ad Testamentum Vetus, ita lex fidei scripta in cordibus mercesque eius species contemplationis, quam spiritualis domus Israel ab hoc mundo liberata percipiet, pertinet ad Testamentum Novum.*" (Migne, *P. L.*, XLIV, 225).—St. Jerome, *Epist.*, 128 (*al.* 12), n. 1, speaks of the "*maiestas evangelii, ad cuius fulgura omnis mortalium sensus hebetatur.*" (*P. L.*, XXII, 1096).

b) Being absolutely perfect and incapable of change or improvement, the moral law of the Gospel (*testamentum aeternum*) binds all men to whom it becomes known, and will remain in force forever.[25] The Montanists and the Joachists, who asserted that the New Testament would eventually be superseded by a higher law,—that of the Holy Ghost,[26]—were condemned by the Church.[27] The more recent theories of the indefinite perfectibility of human reason and the coming of a so-called Johannine age are clearly untenable.[28]

As regards the relationship between the positive divine law and the moral law of nature it will be sufficient to observe that the former was given "in support of" the latter,[29]—materially to complete, and formally to spiritualize and animate it, and at the same time to enable those for whom

25 Matth. V, 17–18; XXVIII, 19–20; 2 Cor. III, 11; 2 Tim. II, 1; III, 14.

26 In opposition to all the Fathers, who held dogma and morality to be absolutely complete since Christ, Tertullian, after his apostasy, declared that Christian ethics stood in need of further perfectioning. Thus he writes, *De Virg. Velandis*, c. 1: "*Regula quidem fidei una omnino est, sola immobilis et irreformabilis. . . . Hac lege fidei manente caetera iam disciplinae et conversationis admittunt novitatem correctionis.*" (Ed. Leopold, P. 2, 201).—On Joachim of Flora see Stöckl, *Geschichte der Philosophie des Mittelalters*, Vol. I, pp. 288 sq.; E. G. Gardner, in the *Cath. Encyclopedia*, Vol. VIII, pp. 406 sq.; P. Fournier, *Études sur Joachim de Flore et ses Doctrines*, Paris 1909.

27 *Conc. Lat. IV.*, c. 2.—Cfr. the decree "*Lamentabili*" of the S. C. of the Holy Office, July 3, 1907, n. 21 (Denzinger-Bannwart, n. 431 sqq., 2021).—F. Heiner, *Der neue Syllabus Pius' X.*, 2nd ed., Mayence 1908, pp. 104 sqq.

28 Cfr. the Syllabus of Pius IX, prop. 56 (Denzinger-Bannwart, n. 1705 sq.).

29 *Constitut. Apostol.*, VI, c. 19 (Funk, *Didascalia*, Vol. I, Paderborn 1905, p. 347).

the natural law was intended, to observe it to its full extent.[80]

Readings.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 98-108.—St. Bonaventure, *Comment. in Sent.*, III, dist. 40 (*Opera Omnia*, Vol. III, pp. 883 sqq.).—Suarez, *De Legibus*, IX-X (*Opera Omnia*, Vol. VI, pp. 419 sqq.).—Chr. Pesch, S.J., *Praelectiones Dogmaticae*, Vol. V, 4th ed., Freiburg 1916.—Th. Slater, S.J., *A Manual of Moral Theology*, Vol. I, pp. 118 sqq.—F. P. Kenrick, *Theologia Moralis*, Vol. I, Malines 1860, pp. 38 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., Haaren 1910, pp. 143 sqq.—A. Tanquerey, *Synopsis Theologiae Moralis*, 2nd ed., Tournai 1905, pp. 123 sqq.—A. Lehmkuhl, S.J., *Theologia Moralis*, Vol. I, 11th ed., pp. 170 sqq.

80 Cfr. Rom. I, 16; 1 Cor. I, 18.—St. Augustine, *Enarr. in Ps.*, 118, s. 25, n. 4: "*Lege divinâ naturalis illa* [*lex*] *sive instaurata sive aucta sive firmata est.*" (Migne. *P. L.*, XXXVII, 1574).—On the objections raised against the ethical teaching of Christianity see W. Schneider, *Göttliche Weltordnung*, 2nd ed., pp. 490 sqq.; J. Mausbach, *Catholic Moral Teaching and its Antagonists*, New York 1914.

SECTION 5

THE MORAL LAW OF THE NEW TESTAMENT

1. The existence of a moral law in the New Testament seems to be contradicted by St. Paul and St. John.

a) St. Paul declares that the commandment which was ordained to life, was "found to be unto death"; that man does not owe his liberty to the law, and that Christians walk not according to the law but in the spirit of life in Christ Jesus.[1] In the same Epistle (to the Romans) he says that "the end of the law is Christ"[2] and, "after the faith is come," the operation of the law, as a pedagogue, *i. e.*, a precursor of the Messias, ceases.[3] St. John extols the grace and truth of the Gospel in opposition to the law of Moses. "The law was given by Moses," he says, "grace and truth came by Jesus Christ."[4] The Epistle to the Hebrews speaks of "a setting aside of the former commandment" as a thing "which decayeth and groweth old" and "is near its end."[5] It is well known that St. Paul did not deem it necessary for

1 Rom. VII, 5–25; VIII, 1–8.
2 Rom. X, 4; cfr. Gal. II 16 sqq.
3 Gal. III, 24–29; IV, 4–7.
4 John I, 17.
5 Heb. VII, 18; VIII, 13.

pagan converts to assume the yoke of the Mosaic law.[6]

b) The texts quoted, however, and others like them, are not meant to abrogate the entire law of the Old Testament, but merely its ceremonial precepts, as may be seen from the following considerations.

α) Christ, who had been hailed as the Lawgiver *par excellence* by the prophet Isaias,[7] issued precepts and enjoined His Apostles to enforce them upon all men.[8]

β) The New Testament expressly acknowledges and confirms the fundamental laws of the Mosaic code, particularly that of charity and holiness, and enforces certain commandments of the Decalogue.[9]

γ) St. James expressly designates the New Testament as "a perfect law." [10] St. Paul calls it "the law of faith," [11] "the law of the spirit of life," [12] and "the law of Christ." [13] To the question, "Do we, then, destroy the law through faith?" he replies, "God forbid: but we establish the law." [14]

δ) Christ and His Apostles repeatedly affirm

6 Acts XV, 10 sq., 19 sq., 28 sq.; Gal. II, 3-10.

7 Is. XXXIII, 22.

8 Matth. V, 17; XI, 28 sqq.; XIX, 17 sqq.; XXVIII, 18 sqq.; John XII, 49 sq.; XIII, 34; XIV, 15; XV, 10.

9 Matth. XXII, 34-40; XIX, 18-19; Rom. XIII, 9; Eph. VI, 2 sq.; 1 Pet. I, 15 sq.

10 Jas. I, 25; II, 12.

11 Rom. III, 27.

12 Rom. VIII, 2.

13 Gal. VI, 2.

14 Rom. III, 31.

that "the doers of the law shall be justified," not, however, those who merely hear it.[15]

The moral law of the New Testament is not a law in the ordinary sense of the term, but only in so far as it contains and inculcates the precepts of goodness and sanctity. In other words, the Gospel is not a formal code of laws; it merely lays down general truths and principles, from which the rules of right living can be deduced. Such general truths and principles are, *e. g.*, contained in the Sermon on the Mount,[16] the description of the Last Judgment,[17] and the parables of the Gospel.[18] Even when Christ expressly enunciates moral principles, He does not clothe them in the form of specific precepts, but employs general terms, which require to be interpreted and applied.[19]

The Christian religion, therefore, is a law, and inasmuch as it is good and holy,—truth in respect of the intellect and holiness in respect of the will,[20]—and is confirmed by the conscience and

15 Matth. VII, 21; Rom. II, 13; Jas. I, 22.

16 Matth. V, 1 sqq. to VII, 1 sqq.

17 Matth. XXV, 31 sqq.

18 Cfr. L. Fonck, S.J., *The Parables of the Gospel*, New York 1915; W. Barry, art. "Parables" in the *Catholic Encyclopedia*, Vol. XI, pp. 460 sqq.

19 Cfr. Matth. V, 29 sq., 39 sqq.; XIX, 29; Luke VI, 29 sq.—St. Jerome, *In Matth.*, III, c. 19: *"Ex occasione huius sententiae quidam introducunt mille annos post resurrectionem, dicentes tunc nobis centuplum omnium rerum, quas dimisimus, et vitam aeternam esse reddendam: non intellegentes, quod si in caeteris digna sit repromissio, in uxoribus appareat turpitudo, ut qui unam pro Domino dimiserit, centum recipiat in futuro."* (Migne, *P. L.*, XXVI, 130).

20 Rom. VII, 12; 1 Tim. I, 8.—Already in the Old Testament the law was called *chokma, i. e.*, ethical wis-

conviction of the inner man,[21] grace does not abrogate, but reaffirms it and gives it additional force.[22]

2. The Catholic teaching just explained is denied by the Protestant "Reformers" and by a certain group of mystics, who claim that the Gospel has no legal character.

a) The so-called Reformers hold *Gospel* to be synonymous with *liberty* and contend that under the New Dispensation the law completely lost its original character and was no longer a compulsory measure, because sin, for the sake of which it had originally been given, was destroyed by the atonement, and man restored to full liberty; that whereas Moses was a lawgiver, Christ came solely for the purpose of reconciling men with God and redeeming them from sin. Against this teaching the Council of Trent defines: "If anyone saith that Jesus Christ was given by God to men as a Redeemer in whom to trust, and not also as a legislator whom to obey, let him be anathema." [23]

The error thus condemned is based upon a one-sided view of the Scriptures and involves a mis-

dom. Cfr. H. Zschokke, *Der dogmatisch-ethische Lehrgehalt der alttestamentlichen Weisheitsbücher*, Vienna 1889.

21 Rom. VI, 2–6; VI, 16–22; Gal. II, 13 sq.

22 Cfr. B. Bartmann, *St. Paulus und St. Jakobus*, Freiburg 1897, pp. 34 sqq., 80 sqq., 124 sqq.

23 Sess. VI, can. 21: *"Si quis dixerit, Christum Iesum a Deo hominibus datum fuisse ut redemptorem, cui fidant, non etiam ut legislatorem, cui obediant, anathema sit."*

conception of the moral requisite of the Redemption. The New Testament abrogated the ceremonial and judicial code, but not the moral law of nature. Nor is every man justified and raised to the liberty of the children of God by the fact of Christ's death. Humanity was reconciled to God by the atonement, but individual justification, as Dr. Pohle says, "is wrought by the application to the soul of grace derived from the inexhaustible merits of Jesus Christ." [24] Finally, it is false to assert that liberty and law are absolutely incompatible. Christian liberty means order in conformity with the law of God, not license. "We are not the children of the bondwoman, but of the free: by the freedom wherewith Christ made us free." [25] "Make not liberty an occasion to the flesh, but by charity of the spirit serve one another." [26] "For so is the will of God, that by doing well you may put to silence the ignorance of foolish men: as free, and not as making liberty a cloak for malice, but as the servants of God." [27]

It has been aptly said that the commandments of God are like iron chains that weigh heavily upon us if we fear Him, but like a silken harness that sits lightly on the soul if we love him.

24 Pohle-Preuss, *Grace, Actual and Habitual*, 2nd ed., p. 2.

25 Gal. IV, 31.

26 Gal. V, 13.

27 1 Pet. II, 16; 2 Cor. III, 17. —Cfr. J. Weiss, *Die christliche Freiheit nach der Verkündigung des Apostels Paulus*, Göttingen 1902, pp. 7 sqq.; J. MacRory, *The Epistles of St. Paul to the Corinthians*, Dublin 1915, Part II, pp. 42 sq.

Luther claims that Christ abrogated not only the Old Law but the Ten Commandments as well, and that concupiscence has such power over man that he cannot observe them.[28] This teaching is directly opposed to Revelation. Gen. IV, 7: "The lust thereof [*i. e.* sin] shall be under thee, and thou shalt have dominion over it."[29] I Cor. X, 13: "God . . . will not suffer you to be tempted above that which you are able: but will make also with temptation issue, that you may be able to bear it."[30] I Pet. V, 9: "Whom [the devil] resist ye, strong in faith: knowing that the same affliction befalls your brethren who are in the world. But the God of all grace, who hath called us unto his eternal glory in Christ Jesus, after you have suffered a little, will himself perfect you, and confirm you, and establish you."[31] James I, 12: "Blessed is the man that endureth temptation; for when he hath been proved, he shall receive the crown of life, which God hath promised to them that love him."[32]

The Reformers, particularly Melanchthon and his school, were forced by the inevitable consequences of their Antinomistic teaching to return to the Catholic conception of the New Testament. In practice, however, Protestantism is to this day essentially Antinomian, holding faith to be the only necessary requirement for salvation.

28 Cfr. H. Denifle, O.P., *Luther and Lutherdom*, Vol. I, Part 1, Somerset, O., 1917.

29 Gen. IV, 7: *"Sub te erit appetitus eius, et tu dominaberis illius."*

30 1 Cor. X, 13: *"Deus . . . non patietur vos tentari supra id, quod potestis, sed faciet etiam cum tentatione proventum, ut possitis sustinere."*—On this passage cfr. MacRory, *The Epistles of St. Paul to the Corinthians*, I, pp. 143 sq.

31 1 Pet. V, 9: *"Cui resistite fortes in fide: scientes eandem passionem ei, quae in mundo est, vestrae fraternitati fieri. Deus autem omnis gratiae, qui vocavit nos in aeternam suam gloriam in Christo Iesu, modicum passos ipse perficiet, confirmabit, solidabitque."*

32 Iac. I, 12: *"Beatus vir, qui suffert tentationem: quoniam quum probatus fuerit, accipiet coronam vitae, quam repromisit Deus diligentibus se."*

"It is not always an easy matter," says Dr. Aveling, "to determine with any degree of precision how far certain forms and offshoots of Calvinism, Socinianism, or even Lutheranism, may not be susceptible of Antinomian interpretations; while at the same time it must be remembered that many sects and individuals holding opinions dubiously, or even indubitably, of an Antinomian nature, would indignantly repudiate any direct charge of teaching that evil works and immoral actions are no sins in the case of justified Christians. The shades and gradations of heresy here merge insensibly the one into the other. To say that a Christian cannot sin because he is justified is very much the same thing as to state that no action, whether sinful in itself or not, can be imputed to the justified Christian as a sin. Nor is the doctrine that good works do not help in promoting the sanctification of an individual far removed from the teaching that evil deeds do not interfere with it. There is a certain logical nexus between these three forms of the Protestant doctrine of justification that would seem to have its natural outcome in the assertion of Antinomianism. The only doctrine that is conclusively and officially opposed to this heresy, as well as to those forms of the doctrine of justification by faith alone that are so closely connected with it, is to be found in the Catholic dogma of faith, justification, and sanctification." [88]

b) The pseudo-mystics to whom we have alluded, claim that it is useless for man to obey the law once he has outgrown the need of discipline, and that, consequently, God intended the law for the sinner, not for the perfect Christian.

88 F. Aveling in the *Cath. Encyclopedia*, Vol. I, p. 567.

This theory grossly distorts the teaching of St. Paul,[34] and, aside from its false postulate that the interior state of the soul alone determines man's moral standing, is heretical. The Tridentine Council defines: "If anyone saith that the man who is justified, and how perfect soever, is not bound to observe the commandments of God and of the Church, but only to believe: as if indeed the Gospel were a bare and absolute promise of eternal life, without the condition of observing the commandments; let him be anathema." [35] No man can become so perfect as to be entirely dispensed from obeying the law of God.[36] If anyone believes that he has attained to such a degree of perfection, he lacks humility and egregiously deceives himself. Furthermore, every man is a member of society, and as such subject to the laws that govern the social order.

34 Cfr. 1 Tim., I, 8 sqq.: "We know that the law is good, if a man use it lawfully: knowing this, that the law is not made for the just man, but for the unjust and disobedient, for the ungodly, and for sinners, for the wicked and defiled, for murderers of fathers, and murderers of mothers, for manslayers," etc.—Cfr. St. Justin Martyr, *De Resurrect.*, c. 1: *ὁ τῆς ἀληθείας λόγος ἐστὶν ἐλευθερός τε καὶ αὐτεξούσιος* (ed. Otto, Vol. III, 3rd ed., p. 210).—*Tractatus Origenis* (?) *De Libris SS. Script.*, ed. P. Batiffol, Paris 1900, p. 197: *"Nescit quidquam timere christiana libertas."*—St. Augustine, *Epist.*, 127 (*al.* 45), n. 5: *"Haec est una sarcina [iugum Domini], quâ eius baiulus non premitur, sed levatur."* (Migne, *P. L.*, XXXIII, 485).

35 Sess. VI, can. 20: *"Si quis hominem iustificatum, et quantumlibet perfectum, dixerit non teneri ad observantiam mandatorum Dei et Ecclesiae, sed tantum ad credendum, quasi vero Evangelium sit nuda et absoluta promissio vitae aeternae sine conditione observationis mandatorum, anathema sit."* (Cfr. Sess. VI, can. 19; Sess. VII, *De Bapt.*, can. 7 sq.); *Prop. Damnat. M. de Molinos*, n. 33–35, 40, 59 sq., 66–68 (Denzinger-Bannwart, n. 1253 sqq., 1260, 1279 sq., 1286 sqq.)

36 Cfr. 1 Cor. X, 12; Phil. III, 11–14.

The pseudo-mystic tendency with which we are dealing has almost invariably led to libertinism in practice.[37]

"The end of the law," says St. Paul, "is Christ, unto justice to every one that believeth."[38] And again: "Love therefore is the fulfilling of the law."[39] And: "Now the end of the commandment is charity from a pure heart, and a good conscience, and an unfeigned faith."[40] The commandments are one and all directed towards, and converge in love, as "the fulfilling of the law," for "the law leads to faith, faith obtains the Holy Ghost who pours forth love, and love fulfills the law."[41] Not by his own power, therefore, but by the aid of charity alone can man observe the law perfectly, and charity makes easy the fulfilment of all other commandments, even the most difficult of them,—self-denial.[42] There-

37 See the history of the Lollards, Beghards, and Beguins.

38 Rom. X, 4.

39 Rom. XIII, 10.

40 1 Tim. I, 5.—Cfr. St. Augustine, *Tract. in Ioa.*, XVII, n. 9: "*Lex ergo Christi caritas est.*" (Migne, *P. L.*, XXXV, 1532). See J. E. Belser, *Die Briefe des Apostels Paulus an Timotheus und Titus*, Freiburg 1907, pp. 30 sqq.

41 St. Augustine, *Enchiridion*, c. 121: "*Omnia praecepta divina referuntur ad caritatem, de qua dicit Apostolus: Finis autem praecepti est caritas de corde puro et conscientia bona et fide non ficta (1 Tim. I, 5). Omnis itaque praecepti finis est caritas, id est, ad caritatem refertur omne praeceptum.*" (Migne, *P. L.*, XL, 288).—Idem, *Enarr. in Ps.*, 141, n. 7: "*Semitae dictae sunt Dei, quia multa praecepta sunt, et quia eadem multa praecepta ad unum rediguntur, quia plenitudo legis caritas (Rom. III, 10), propterea viae istae in multis praeceptis ad unam colliguntur, et una dicitur, quia via nostra caritas est.*" (Migne, *P. L.*, XXXVII, 1837).—Idem, *Epist.*, 145 (*al.* 144), n. 3: "*Lex docendo et iubendo quod sine gratia impleri non potest, homini demonstrat suam infirmitatem, ut quaerat demonstrata infirmitas Salvatorem, a quo sanata voluntas possit, quod infirma non posset. Lex igitur adducit ad fidem, fides impetrat Spiritum largiorem [largitorem], diffundit Spiritus caritatem, implet caritas legem.*" (*P. L.*, XXXIII, 593).

42 St. Augustine, *De Natura et Gratia*, c. 69, n. 83: "*Omnia fiunt facilia caritate.*" (Migne, *P. L.*, XLIV, 289).—Idem, *Serm.*, 96 (*al.* 47 *de Diversis*), n. 1: "*Durum videtur et grave, quod Dominus imperavit, ut si quis eum vult sequi, abneget seipsum. Sed non est durum nec grave, quod ille imperat, qui adiuvat, ut fiat, quod imperat. . . . Quidquid enim durum est in praeceptis, ut sit leve, caritas facit.*" (Migne, *P. L.*, XXXVIII, 384).—Idem, *Enarrat. in*

fore the law is "for the unjust and disobedient, for the ungodly, and for sinners," [43] *i. e.,* for those who acknowledge no authority and give free rein to their passions. They shall learn through the law that they are living in sin and must prepare for penitence. For "the just man," on the other hand, into whose heart the Holy Ghost has poured that charity which is the fulfilment of the law, "the law is not"; not as if the justified sinner were not subject, or could afford to be indifferent, to the law, but because he "uses it lawfully," *i. e.,* in conformity with his rational nature and the will of God, in other words, because he obeys the law for conscience' sake.[44]

Readings.—H. Jakoby, *Neutestamentliche Ethik,* Königsberg 1899.—J. Weiss, *Die christliche Freiheit nach der Verkündigung des Apostels Paulus,* Göttingen 1902.—Th. Slater, S.J., in the *Cath. Encyclopedia,* Vol. IX, pp. 71 sq.—Chr. Pesch, S.J., *Praelectiones Dogmaticae,* Vol. V.—Ph. Bachmann, *Die Sittenlehre Jesu,* Leipsic 1904.—F. P. Kenrick, *Theologia Moralis,* Vol. I, 2nd ed., pp. 41 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, pp. 140 sqq.—C. S. Devas, *The Key to the World's Progress,* London 1906, pp. 189 sqq.

Ps., 67, n. 18: "*Quidquid difficile est in praecepto, leve est amanti. Nec ob aliud recte intellegitur dictum, 'onus meum leve est' (Matth. XI, 30), nisi quia [Deus] dat Spiritum Sanctum, per quem diffunditur caritas in cordibus nostris (Rom. V, 5), ut amando liberaliter faciamus, quod timendo qui facit, serviliter facit, nec est amicus recti, quando mallet, si fieri posset, id quod rectum est non iuberi.*" (*P. L.,* XXXVI, 823).—Cfr. H. Denifle, *Luther and Lutherdom,* Vol. I, Part 1.

43 1 Tim. I, 9.

44 1 Tim. I, 8–10.

SECTION 6

HUMAN LAW

1. To collect and digest the precepts of the natural as well as those of positive divine law is the business of human authority, which is partly ecclesiastical and partly civil.

A human law may be defined as a rule of conduct made for the common good and properly promulgated by legitimate authority.[1] A human law may be merely a more definite statement of the principles contained in the natural or positive divine law (*determinatio principiorum*), or it may embody a deduction from those principles (*conclusio ex principiis*). St. Thomas explains this distinction with his wonted lucidity as follows: "There are two modes of derivation from the law of nature. Some enactments are derived by way of conclusion from the common principles of the law; as the prohibition of killing may be derived from the prohibition of doing harm to any man. Other enactments are derived by way of determination of what was in the vague. For in-

1 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 90, art. 4: *"Lex nihil aliud est quam quaedam rationis ordinatio ad bonum commune et ab eo qui curam communitatis habet, promulgata."*

stance, the law of nature ordains that he who does wrong should be punished; but that he should receive this or that punishment is a determination of the law. Both sorts of enactment are found in human law. However, the former are not mere legal enactments, but have some force also of natural law. The latter have force of human law only."[2] That man should fast is clearly prescribed by the law of nature and by positive divine law; but the time and manner of fasting is determined by the Church.[3]

Human law, therefore, is in every respect subordinate to the natural and to positive divine law, and its precepts have binding force only if they agree with both.[4]

2. Pointing to such texts as James IV, 12, "There is one lawgiver,"[5] some authors assert that no man has a right to make laws for his fellowmen. But Christ expressly bestowed legislative power on His Church,[6] and furthermore

2 *Summa Theol.*, 1a 2ae, qu. 95, art. 2 (Rickaby, *Aquinas Ethicus*, Vol. I, p. 288).

3 Cfr. St. Augustine, *Epist.*, 36 (*al.* 86), c. 11, n. 25: "*Ego in evangelicis et apostolicis literis totoque instrumento, quod appellatur Testamentum Novum, animo id revolvens, video praeceptum esse ieiunium. Quibus autem diebus non oporteat ieiunare et quibus oporteat, praecepto Domini vel Apostolorum non invenio definitum.*" (Migne, *P. L.*, XXXIII, 147).—Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 147, art. 3.

4 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 95, art. 2.—The Syllabus of Pius IX condemns this proposition (no. 57): "*Philosophicarum rerum morumque scientia itemque civiles leges possunt et debent a divina et ecclesiastica auctoritate declinare.*" (Denzinger-Bannwart, n. 1757).

5 Jac. IV, 12: εἷς ὁ νομοθέτης.

6 Matth. XVI, 19; XVIII, 17; Luke X, 16.

Himself acknowledged the laws of the State and exhorted His disciples to obey them.[7] St. Paul says that all power is from God and that the ordinances of legitimate authority bind in conscience.[8]

Broadly speaking, both the natural and the positive divine law consist of general principles, which have to be interpreted and applied to concrete conditions by human authority. The fact that human authority adds precepts of its own to those given by God, proves nothing against St. James' statement that God is the "one lawgiver," because human lawgivers act in His name and by His authority. Thus every human law is mediately and by derivation a divine law. Christ, in censuring human laws, did not deny the legislative power of the Synagogue, but protested against the making of such human ordinances as conflicted with the natural and the positive divine law, and incidentally condemned the quibbling of the Pharisees.[9] Nor do human (particularly ecclesiastical) laws encroach upon the freedom of the Gospel. On the contrary, they are a means of that discipline which makes man free, a guide for the individual, and an essential requisite for the welfare of society.

Note that the laws of the Church as a rule do

7 Luke XX, 25; Acts XV, 28; XX, 28.

8 Rom. XIII 1 sqq.; cfr. John XIX, 11.

9 Matth. XV, 9; XXIII, 3 sqq., 16 sqq.

not mark the acme of perfection, but merely the bare minimum of what is absolutely required for salvation.

3. Like the Church, civil society or the State is divinely instituted. God created man as a social being. The desire for intercourse and coöperation with his fellowmen is ingrained in his very nature.[10] The State is organized society. Whatever the form of organization, authority is necessary to make and execute laws, and this authority is always derived from God. Every ruler exercises his power directly or indirectly by the grace of God, "for there is no power but from God, and those that are, are ordained of God." [11]

The purpose of civil authority is to regulate the social affairs of men, to settle their differences, and, in general, to advance their temporal welfare. *"Suprema lex salus publica."*

"There are two sharply distinct societies ruled by different supreme powers with different aims and means. Both derive their origin from God, but in a different way: the supreme authority of the one [the Church] was immediately instituted by Him and its form once for all

10 Cfr. Gen. II, 20–24.

11 Rom. XIII, 1; cfr. Prov. VIII, 15–16; Wisd. VI, 3–4; 1 Pet. II, 13–17.—Cfr. St. Augustine, *De Divers. Quaest.*, 83, qu. 69, n. 4: *"Notum sit omnibus, nullum principium et potestatem sive caelestium sive terrestrium per se habuisse aliquid principatus et potestatis, sed ab illo, ex quo sunt omnia, non solum ut sint, verum etiam ut ordinata sint."* (Migne, *P. L.*, XL, 76).—Cfr. Leo XIII's Encyclical *"Immortale Dei,"* Nov. 1, 1885 (Denzinger-Bannwart, n. 1866 sqq.). On the origin and extent of civil authority see Jos. Rickaby, S.J., *Political and Moral Essays*, London 1902, pp. 1–174.

determined as universal and constant; the supreme authority of the other [the State] is from God also, but through the will of the people, who give it its form and determine its specific duties. This latter power is neither universal nor constant, but subject to the vicissitudes of human society."[12]

READINGS.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 95–97.—Suarez, *De Legibus*, III–VIII (*Opera Omnia*, Vol. V, pp. 175 sqq.; Vol. VI, pp. 1 sqq.)—V. Cathrein, S.J., *Moralphilosophie*, Vol. I, 4th ed., pp. 406 sqq.—Th. Slater, S.J., *A Manual of Moral Theology*, Vol. I, pp. 119 sqq.—R. I. Holaind, S.J., *Natural Law and Legal Practice*, pp. 315 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis*, Vol. II, pp. 147 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 151 sqq.

12 Bonomelli-Holzer, *Die Kirche*, Freiburg 1905, p. 369.

SECTION 7

THE PROPERTIES OF HUMAN LAW

A human law is an ordinance made by a human legislator as a general and just rule for the benefit of his subjects, and properly promulgated.[1] This definition embraces all the requisites of a true law, both material and formal.[2]

1. A law is *general* if it is equally binding upon all members of the community for which it is made.

A law is *practicable* if what it demands is morally possible for ordinary men to fulfil.

A law is *just* if it does not contravene any other legitimate enactment of a higher authority.

A law is *useful* if it advances the good of the

1 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 90, art. 4 (*v. supra* p. 155, note 1).

2 Cfr. St. Isidore, *Etymol.*, V, c. 21: *"Erit lex honesta, iusta, possibilis, secundum naturam, secundum consuetudinem patriae, loco temporique conveniens, necessaria, utilis, manifesta quoque, ne aliquid per obscuritatem in captione contineat, nullo privato commodo, sed pro communi civium utilitate conscripta."* (Migne, *P. L.*, LXXXII, 203). Cited in the *Decretum Gratiani*, c. 2, D. 4; c. 5, D. 1 (ed. Friedberg, Leipsic 1879, Vol. I, pp. 6 and 1).

3 Cfr. *Regulae Iuris in VI Decret. Bonif. VIII*, n. 6: *"Nemo potest ad impossibile obligari."* (*Corpus Iuris Canonici*, ed. Friedberg, Vol. II, Leipsic 1881, p. 1122).—*Conc. Trident.*, Sess. VI, c. 11; *Prop. Damnat. Iansenii*, prop. 1 (Denzinger-Bannwart, n. 1092).

whole community or at least does not hinder the welfare of the majority or injure that of the minority.

In case of doubt the presumption is always in favor of the law. If those for whom a law is made, believe it has serious defects, they are free to petition or agitate for its repeal; but as long as the law is in force,—provided, of course, it is not manifestly opposed to religion or morality or declared to be invalid by the proper authority,—it remains binding.

2. Formally, a law, to be valid, must proceed from legitimate authority and be duly promulgated. By promulgation is meant the executive act by which a law is brought to the notice of the public and consequently put into force. No law is binding until it has been promulgated. Promulgation differs from knowledge of a law, which is merely a subjective requisite of accountability. No one is formally guilty of violating a law unless he is aware of its existence.

When it is uncertain or doubtful whether a law has been promulgated, there is no obligation to obey it, because in such circumstances the will of the legislator is uncertain.

The form or manner of promulgation depends on the will of the lawmaker. Ecclesiastical laws at the present time are officially promulgated through the *Acta Apostol-*

licae Sedis, a periodical publication appearing at irregular intervals in Rome.[4]

The laws of the Latin Church at present in force are contained in the new *Codex Iuris Canonici Pii X Pontificis Maximi iussu Digestus, Benedicti Papae XV Auctoritate Promulgatus,* which took effect on Pentecost Sunday, 1918.

As soon as a law has been properly promulgated, it is binding upon those for whom it is intended, no matter whether they accept it or not. The reason for this is plain. The law-making power is derived from God, not from the people. Alexander VII, on Sept. 24, 1665, condemned the proposition that "A people do not sin if without any cause whatever they refuse to receive a law promulgated by their ruler."[5] Only when a law is indubitably unjust may it be rejected by those for whom it was made. In a democratic country the people are in duty bound to obey the laws passed by their representatives.

Readings.—E. Taunton, *The Law of the Church,* London 1906, pp. 393 sqq.—A. Van Hove in the *Cath. Encyclopedia,* Vol. XII, p. 454.—*Codex Iuris Canonici, "Normae Generales,"* can. 1-23.—Aug. Bachofen, O.S.B., *A Commentary on the New Code of Canon Law,* Vol. I, St. Louis 1918.

4 Cfr. the Apostolic Constitution *"De Promulgatione Legum et Evulgatione Actorum S. Sedis,"* Oct. 30, 1908, in the *Acta Apostolicae Sedis,* Rome 1909, pp. 6 sqq.

5 *"Populus non peccat, etiamsi absque ulla causa non recipiat legem a principe promulgatam."* (Denzinger-Bannwart, n. 1120).

SECTION 8

THE OBLIGATION OF LAW

1. Kinds of Obligation.—Every human law, ecclesiastical or civil, which has the properties described in the preceding section of this treatise, binds not only externally, under pain of punishment, but also internally, *i. e.*, in the court of conscience. This proposition is evident from the very nature of things, for the provisions of a just law are simply the will of God applied to some special condition.[1] St. Paul says: "Let every soul be subject to higher powers: for there is no power but from God, and those that are, are ordained of God. Therefore he that resisteth the power, resisteth the ordinance of God. . . . Wherefore be subject of necessity, not only for wrath, but also for conscience' sake. For therefore also [2] you pay tribute. For they are the ministers of God, serving unto this purpose. Render therefore to all men their dues: tribute, to whom tribute is due, custom, to whom custom; fear, to whom fear; honor, to whom honor." [3]

1 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 95, art. 2; qu. 96, art. 4.

2 διὰ τοῦτο γὰρ καὶ (Rom. XIII, 6).

3 Rom. XIII, 1–7.

And St. Peter: "Be ye subject therefore to every human creature for God's sake: whether it be to the king as excelling, or to the governors as sent by him for the punishment of evildoers, and for the praise of the good: for so is the will of God, that by doing good you may put to silence the ignorance of foolish men: as free, and not as making liberty a cloak for malice, but as the servants of God." [4]

"SS. Peter and Paul insisted that men owe obedience to civil authority for conscience' sake and by virtue of a divine command. This doctrine at that time was utterly new in the world. . . . According to Apostolic teaching, the ruling power of the State, or public authority, no matter what its form or composition, is ordained for the purpose of administering the divine law on earth. Hence every Christian is in duty bound to recognize those constituted in authority, without regard to their moral or religious qualifications, and to obey them for conscience' sake, not merely for fear of punishment. All power, civil as well as paternal, is from God. Obedience to authority is a necessary duty deeply ingrained in the soul of every man." [5]

The teaching of Tradition is in perfect harmony with that of Scripture. Thus we read in the Epistle to Diognetus: "Christians differ from other men neither in country nor language nor customs. . . . They share all things as citi-

4 1 Pet. II, 13–16.
5 Döllinger, *Christentum und Kirche*, Ratisbon 1868, pp. 14 sq.

zens. . . . They obey the appointed laws, and go beyond the laws in their own lives."[6] Tertullian writes: "We venerate in the emperors the decisions of God, for God has placed them over the nations."[7] St. Augustine says that the Christian soldiers of Rome "distinguished between their eternal and their temporal lord, and obeyed the latter for the sake of the former."[8]

Hence there can be no doubt that every just law obliges in conscience, *i. e.,* under pain of sin (*sub culpa morali s. theologica*). However, not all laws bind always and in every case. An affirmative law binds "always" but not "for always" (*semper, sed non pro semper, i. e.,* at every moment, in all circumstances), whereas a negative law binds "always" and "for always" (*semper et pro semper*). Thus a person is not bound to profess his faith under all circumstances, but he is never allowed to deny it.

The rule, *"Lex positiva obligat semper, sed non pro semper,"* has one exception: the law of charity, which binds always and for all time because the obligation of loving and serving God is the foundation of all other precepts, negative as well as positive.[9]

6 *Epist. ad Diognet.,* c. 5 (Lake, *The Apostolic Fathers,* Vol. II, London 1913, pp. 359 sq.).

7 *Apol.,* c. 32.

8 *Enarrat. in Ps.,* 124, n. 7.—Many other Patristic passages of similar tenor will be found collected in F. Hamm, *Zur Grundlegung und Geschichte der Steuermoral,* Treves 1908, pp. 138 sqq.

9 Cfr. J. Ernst, *Ueber die Notwendigkeit der guten Meinung,* Freiburg 1905, p. 201.

Unjust laws do not bind in conscience because they "are acts of violence rather than laws," as St. Thomas says.[10] In regard to the above the following principles should be borne in mind:

a) No one is obliged to obey a precept which it is morally impossible for him to fulfill (*ultra posse nemo tenetur*). However, when the whole of an obligation cannot be fulfilled, and the matter is susceptible of division, we are not excused from fulfilling a part. Innocent XI condemned the proposition that a priest who is unable to say the whole of his daily office is therefore excused from saying any portion of it.[11]

b) A law which runs counter to the moral law of nature not only does not oblige in conscience,[12] but must be resisted passively.[13]

10 *Summa Theol.*, 1a 2ae, qu. 96, art. 4.—Cfr. St. Augustine, *De Lib. Arbitr.*, I, c. 5, n. 11: "*Mihi lex esse non videtur, quae iusta non fuerit.*" (Migne, *P. L.*, XXXII, 1227).—Cfr. also the Syllabus of Pius IX, prop. 56 and 57 (Denzinger-Bannwart, n. 1756 sq.). *V. supra*, Sect. 3, note 3.

11 Cfr. the 54th of the propositions condemned by Innocent XI: "*Qui non potest recitare matutinum et laudes, potest autem reliquas horas, ad nihil tenetur, quia maior pars trahit ad se minorem.*" (Denzinger-Bannwart, n. 1204).

12 Cfr. Acts IV, 18–19; V, 29.—St. Augustine, *Epist.*, 105, c. 2, n. 7: "*Imperatores si in errore essent, quod absit, pro errore suo contra veritatem leges darent, per quas iusti et probarentur et coronarentur non faciendo quod illi iuberent, quia Deus prohiberet. Sicut iusserat Nabuchodonosor, ut aurea statua adoraretur; quod qui facere noluerunt, Deo talia prohibenti placuerunt.*" (Migne, *P. L.*, XXXIII, 398).—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 96, art. 4: "*Leges possunt esse iniustae per contrarietatem ad bonum divinum, sicut leges tyrannorum inducentes ad idololatriam vel ad quodcunque aliud, quod sit contra legem divinam; et tales leges nullo modo licet observare, quia sicut dicitur Act. V, 29: Obedire oportet Deo magis quam hominibus.*"

13 Cfr. Ph. Hergenröther, *Der Gehorsam gegen die weltliche Obrigkeit*, Freiburg 1877.

Authority, be it civil or ecclesiastical, can never oblige a man to commit even a venial sin, for we must obey God more than men. Such has always been and always will be the teaching of the Church. Wiclif and Hus held that no one is obliged to obey a *superior* if the latter is in the state of mortal sin. The Church teaches that one must not obey a sinful *command*.[14] When a command is clearly contrary to the law of God, obedience would be sinful.[15]

The oft-quoted dictum of Gregory VII, *"Sententia pastoris, sive iusta sive iniusta fuerit, timenda est,"* means not that an unjust command must be obeyed, but that it should not be transgressed lightly and in a spirit of contempt. The phrase *"ad peccatum obligare,"* which is found in the constitutions of some religious orders, signifies an obligation which binds under pain of sin (*sub peccato*), not a command to sin.[16]

"Active resistance to authority," says a non-Catholic writer, "is not absolutely condemned by Christian ethics. Those who maintain that it is, are inspired by absolutistic notions. When persons in authority are faithless and violate the constitution, even a Christian subject is justified in resisting them." [17]

c) An indubitably unjust law does not bind. If, however, a law is just in its object (*lex honesta*), and unjust only in its origin or purpose, it may be obeyed, provided obedience does

14 Cfr. *Prop. Damnat. Wiclif.*, n. 15; *Huss.*, n. 30 (Denzinger-Bannwart, n. 595, 656).

15 Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 104, art. 5, where the question, *Utrum subditi teneantur suis superioribus in omnibus obedire*, is treated exhaustively.

16 Cfr. Bishop von Ketteler, *Kann ein Jesuit von einem Obern zu einer Sünde verpflichtet werden?* Mayence 1874, pp. 10 sqq.; B. Duhr, S.J., *Jesuitenfabeln*, 4th ed., pp. 515 sqq.

17 *Theologische Literaturzeitung*, Leipsic 1902, p. 617.

not involve the violation of some other moral duty. Obedience may even be a strict duty, namely, when some higher moral good would be jeopardized by disobedience, as in the case of public scandal or revolt, provided always that no just law is violated. In the words of the Angelic Doctor, "[unjust] laws are not binding in the court of conscience, except perhaps to avoid scandal or turmoil, for which cause a man ought to abate something of his right. . . ." [18]

Laws which imperil higher rights or interests may be resisted by all legal means, such as remonstrances, appeals, petitions, agitation in the public press. To employ illegal means is tantamount to sedition. No matter what the provocation, revolution against a legitimate government is forbidden, because revolution by its very concept is an attack upon actually existing and divinely sanctioned rights. Pius IX solemnly condemned the proposition that "It is permitted to withhold obedience from legitimate rulers, nay even to rebel against them." [19]

So far as obligation is concerned, laws may be divided into moral, penal, and mixed.

18 *Summa Theol.*, 1a 2ae, qu. 96, ad 4: *"Dicuntur leges iustae et ex fine, quando scilicet ordinantur ad bonum commune, et ex auctore, quando scilicet lex lata non excedit potestatem ferentis, et ex forma, quando scil. secundum aequalitatem proportionis imponuntur subditis onera in ordine ad bonum commune. . . . Unde tales* [iniustae] *leges non obligant in foro conscientiae, nisi forte propter vitandum scandalum vel turbationem, propter quod etiam homo iuri suo debet cedere, secundum illud Matth. V, 40–41."*

19 *Syllabus Errorum*, n. 63: "Le-

(1) A moral law (*lex moralis*) binds in conscience and under pain of sin (*ad culpam*).

(2) A purely penal law (*lex mere sive pure poenalis*) binds only under pain of suffering the penalty imposed for its infraction.

(3) If a law binds under pain of sin, and, in addition, imposes a penalty, it is called mixed (*lex mixta*).

The Schoolmen teach that if one transgresses a purely penal law, he is bound in conscience to pay the penalty imposed, but incurs no moral guilt (*culpa theologica*) and therefore commits no sin. His transgression is merely a technical violation of the law (*culpa iuridica*).

As examples of purely penal laws Catholic moralists are wont to cite (1) the statutes of certain associations, institutes or seminaries, especially the constitutions of religious orders which distinguish between the rules of ordinary and those of stricter observance,[20] and (2) such civil ordinances as regard taxes, permits, licenses, etc. Some writers include in the category of *leges mere poenales* police regulations, nay all laws made by "infidel or unchristian" States.[21] Scholastic theology as a system merely teaches the possibility of purely penal laws;

gitimis principibus obedientiam detrectare, immo et rebellare licet." (Denzinger-Bannwart, n. 1763). Cfr. Fr. Heiner, *Der Syllabus*, Mayence 1905, pp. 283 sqq.—Cfr. Rom. XIII, 2; Sophocles, *Antigone*, 672 sqq.

20 Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 186, art. 1–2.

21 Cfr. K. Wagner, *Die sittlichen Grundsätze bezüglich der Steuerpflicht*, Ratisbon 1906, pp. 50 sqq.; A. Müller, *Die staatlichen Gesetze in ihrer Beziehung zur sittlichen Weltordnung*, Treves 1906, pp. 11 sqq.

whether such laws actually exist is a question in dispute.[22] When it is certain that the civil authorities do not intend to bind their subjects in conscience, a law may be considered penal only.

2. Degrees of Obligation.—Unlike divine laws, human laws never bind absolutely. The obligation they impose depends in each case primarily on the will of the lawgiver and secondarily on the matter involved.

a) When the matter is light and trivial (*materia levis*), *i. e.*, when the precept is of no importance for the common good, either in itself or by reason of attendant circumstances, the obligation is slight. When, on the other hand, the matter is grave (*materia gravis*), *i. e.*, when the law or its object is in itself important or rendered so by circumstances, the resulting obligation is serious.

b) The intention of the lawgiver may either be gathered from the purpose of the law or inferred from the wording chosen or the penalty imposed.

c) A human law ordinarily does not bind *cum*

22 Cfr. Ballerini-Palmieri, *Opus Theol. Mor.*, tr. 3 *de Leg.*, n. 107: "*Haec est quaestio celeberrima, an dentur leges mere poenales. Et recepta et DD. sententia, eiusmodi leges dari posse.*"—A. Vermeersch, S.J., *Quaestiones de Iustitia*, 2nd ed., Bruges 1904, p. 134: "*Revera in varias ac diversas abiere sententias recentiores auctores; in qua opinionum varietate suspicari fas est caeli seu regionis influxum.*"—Thomas à Kempis says of the rules of religious orders: "*Duo bona praetendit omnis regularis disciplina, ut statuta diligenter serventur et neglegentes pro culpis suis corrigantur.*" (*De Disciplina Claustralium*, c. 1; *Op. Omnia*, ed. Pohl, Vol. II, p. 269).

gravi incommodo, and hence may be disregarded if its observance involves any serious inconvenience, such as danger to life and limb, loss of honor, health or fortune, etc. The reasons for this exemption are: (1) A law, to be binding, must be physically and morally capable of fulfilment; (2) No human legislator has power over the life, health, or property of his subjects, unless higher interests are at stake.

In matter of fact, even positive divine laws do not bind where life is in danger,[23] and the Church does not enforce even such important precepts as the sanctification of the Lord's Day, fasting, or the recitation of the Breviary as obligatory on those who cannot observe them without grave inconvenience.

There are, however, circumstances in which human laws bind even at the risk of life or death, *e. g.,*

(1) When the common good or the eternal salvation of one's fellowmen are involved, as often happens in the case of priests and soldiers;

(2) When disobedience involves formal contempt of authority or the danger of grave scandal.

In all such cases a law binds even at the risk of life or health, for the reason that the common

23 Cfr. 1 Kings XXI, 6; Matth. XII, 1-5.

good (*bonum commune*) is superior to that of the individual.

That all men are bound under pain of grievous sin to obey the "higher powers," appears from the passage we have quoted [24] from St. Paul's Epistle to the Romans. This is not, however, tantamount to saying that all human laws bind *sub gravi*. The question whether a human lawgiver can impose a serious obligation when the matter at issue is slight (*materia levis*), is answered negatively by most theologians. The reasons given are two: (1) Even the divine law binds but slightly in matters of no importance, and a human lawgiver cannot impose a heavier obligation than God, from whom his jurisdiction is derived; (2) To impose a serious obligation in matters of small importance would be contrary to the common good, give cause for scandal, and work mischief.

Note, however, that a matter small in itself may become important by virtue of its purpose or outward circumstances, and thus involve a serious obligation. This was the case with the command God gave to our first parents in Paradise.[25] Though the matter involved was slight, the law itself possessed great importance on account of the purpose for which it had been given and the severe punishment threatened.

READINGS.—Th. Slater, S.J., *A Manual of Moral Theology*, Vol. I, pp. 97 sqq.—IDEM in the *Cath. Encyclopedia*, Vol. XI, pp. 189 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 177 sqq.

24 Rom. XIII, 1-6 (*supra*, p. 163).

25 Gen. II, 16 sq.

SECTION 9

THE SUBJECTS OF HUMAN LAW

A human law binds all those for whom it is made and who are subject to the authority of the legislator.

The laws of the Church oblige only baptized persons who have attained the use of reason. Theoretically, Protestants, too, are in some manner subject to the jurisdiction of the Church,[1] but "a probable opinion teaches that it is not the Church's intention to bind them by such of her laws as proximately regard the sanctification of individual souls, rather than the public good," because "harm rather than good would follow from intending these laws to bind heretics and schismatics." [2]

A *general* law obliges all who have attained the use of reason and are subject to the authority of the legislator. All such, therefore, are in duty bound to acquaint themselves with the laws under which they live.

1 1 Cor. V, 12-13.—Cfr. *Conc. Trident.*, Sess. VII, can. 7-8 *de Bapt.;* letter of Pius IX to Emperor William I, August 7, 1873.

2 Thos. Slater, S.J., *A Handbook of Moral Theology*, Vol. I, p. 93.

A *particular* law is one made for a limited class of persons or for a particular territory only. Particular laws of the latter kind bind those for whom they are made, who have a domicile or quasi-domicile in the territory concerned and actually reside there.

To have a domicile means to live in a place for ten years or with the intention of residing there permanently. A quasi-domicile is acquired by living in a place with the intention of remaining there for the greater part of a year, or by actually residing there for the greater part of a year.[3]

Foreigners (*peregrini*) are not bound to obey the particular laws of either their own country or the one in which they are sojourning, with the exception of those which regard the public welfare or prescribe legal formalities.[4] Strangers (*vagi*, who have no domicile or quasi-domicile

[3] *Codex Iuris Can.*, can. 13, 92.

[4] *Codex Iuris Can.*, can. 14. Cfr. St. Augustine, *Epist.*, 36, c. 14, n. 32: "*Indicabo tibi, quid mihi de hoc requirenti responderit venerandus Ambrosius: Quando hic* [*Mediolani*] *sum, non ieiuno sabbato; quando Romae sum, ieiuno sabbato; et ad quamcunque ecclesiam veneritis, inquit, eius morem servate, si pati scandalum non vultis aut facere.*" —Idem, *Epist.*, 54 (*al.* 118), c. 2, n. 2: "*Alia vero, quae per loca terrarum regionesque variantur, sicuti est, quod alii ieiunant sabbato, alii non, alii quotidie communicant corpori et sanguini Domini, alii certis diebus accipiunt, alibi nullus dies pratermittitur, quo non offeratur, alibi sabbato tantum et dominico, alibi tantum dominico, et si quid aliud huiusmodi animadverti potest, totum hoc genus rerum liberas habet observationes, nec disciplina ulla est in his melior gravi prudentique christiano quam ut eo modo agat, quo agere viderit ecclesiam, ad quam forte devenerit. Quod enim neque contra fidem neque contra bonos mores esse convincitur, indifferenter habendum et propter eorum, inter quos vivitur societatem, servandum est.*" (Migne, *P. L.*, XXXIII, 200). Hence the well-known adage: "*Si fueris Romae, romano vivito more; si fueris alibi, vivito sicut ibi.*"—Cfr. H. Noldin, S.J., *Theol. Mor.*, Vol. I, qu. IV, art. 1, § 124, 5.

anywhere) are bound to obey the general as well as particular laws of the territory in which they sojourn.

A journey undertaken *in fraudem legis, i. e.*, with the express purpose of escaping an obligation, leaves that obligation in full force. However, if a man actually leaves a place with the intention of not returning to it, the obligation ceases, even though his motive was to escape the law. An actual change of domicile always entails a change of jurisdiction, no matter what the motive for which it is effected.

Children who have not yet attained, and adults who have permanently lost, the use of reason, are not bound by any human law. The reason is that they are incapable of performing moral acts.[5] Under certain conditions, however, such persons may be forced to conform to particular precepts, *e. g.*, that of abstinence.

A sovereign is subject to his own laws, not *coactive, i. e.*, as regards their coercive force, for no one properly is coerced by himself; but *directive, i. e.*, as regards their directive force, for the sake of order and good example. In the words of St. Thomas, "He ought voluntarily and not of constraint to fulfil the law," though strictly speaking he is above it, "inasmuch as, if expedient, he can change the law and dispense from it according to place and season."[6]

5 Cfr. St. Thomas, *De Veritate*, qu. 17, art. 3: *"Lex seu praeceptum est vinculum rationis."*

6 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 96, art. 5, ad 3 (Rickaby, *Aquinas Ethicus*, Vol. I, p. 294). —St. Ambrose, *Apol. Proph. David*, II, c. 3, n. 8 (Migne, *P. L.*, XIV, 890).—Idem, *Epist.*, 21, n. 9 (*P. L.*, XVI, 1004).—St. Isidore, *Sent.*, III, c. 51, n. 1–2, cited in the *Decretum Gratiani*, c. 2, D. 9 (*P. L.*,

It goes without saying that the members of legislative bodies are bound to observe the laws which they themselves have made.

READINGS.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 96, art. 5.—F. A. Göpfert, *Moraltheologie*, Vol. I, 6th ed., Paderborn 1909, pp. 57 sqq.—Thos. Slater, S.J., *A Manual of Moral Theology*, Vol. I, pp. 92 sqq.—A. Boudinhon, art. "Domicile" in the *Cath. Encyclopedia*, Vol. V, pp. 103-106.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 204 sqq.—A. Lehmkuhl, S.J., *Theologia Moralis*, 11th ed., Freiburg 1910, Vol. I, pp. 138 sqq.

LXXXIII, 723; *Corpus Iuris Can.*, ed. Friedberg, Vol. I, col. 16).—On the question of domicile and quasi-domicile see Aug. Bachofen, P.S.B., *Commentary on the New Code of Canon Law*, Vol. II.

SECTION 10

INTERPRETATION OF THE LAW

1. By interpretation is meant an authoritative explanation of a law in accordance with the will of the lawgiver.

An interpretation is *authentic* if it is given, either directly or indirectly, by the lawgiver himself, and in that case has the same binding force as the law which it interprets.

Customary interpretation is that which a law receives from the legitimate practice of those who are subject to it. According to an ancient adage, "Custom is the best interpreter of law." [1]

Doctrinal interpretation is that developed by experts according to recognized rules from the wording and object (*ratio*) of a law. The rules of doctrinal interpretation may be summarized as follows:

a) The presumption is always in favor of the letter of the law. When the text is ambiguous, the words must be taken in their proper, ordinary, and natural meaning.

b) If the object and purpose of a law (*ratio*

[1] *"Consuetudo est optima legum interpres."* (*Codex Iuris Can.*, can. 29).

legis) are obvious, but the phraseology is indistinct, the mind of the legislator and the circumstances of the case must be attended to.

c) Laws which confer a favor or privilege may receive a wide interpretation (*favores ampliandi*), provided there be no danger of injuring a third party and no conflict with the general law.

d) Penal laws, and laws which impose a new burden or restriction may be interpreted narrowly, that is, not extending the burden to such as are not strictly included in their terms (*odiosa sunt restringenda*).[2]

2. *When* must a law be observed? The general rule is that a legal obligation should be fulfilled as soon as possible.

When a fixed term is appointed for the fulfilment of a law, this must be observed. In appointing a fixed term the lawmaker may have intended to make the obligation binding only for that period (*tempus appositum ad finiendam obligationem*). Thus, if one has missed Mass on Sunday, he is not bound to make up for it on some other day. Or the intention may have been merely to impress the urgency of the precept (*tempus appositum ad urgendam vel sollicitandam obligationem*). In the latter case the obligation must be fulfilled even after the appointed term

2 *Regulae Iuris in Sexto Decret. Bonif. VIII*, No. 15: "*Odia restringi et favores convenit ampliari.*" Cfr. No. 49: "*In poenis benignior est interpretatio facienda.*" Cfr. *Codex Iuris Can.*, can. 19.

has expired. Thus, if a man has neglected to make his Easter Communion during the prescribed season, the duty of making it later continues.[3] If in such a case a person knows beforehand that he will be unable to comply with an obligation at or after the time prescribed, he is bound, if possible, to fulfil it earlier.

READINGS.—*Codex Iuris Can.*, can. 17 sqq. (with the commentaries by Aug. Bachofen, O.S.B., Vol. I, St. Louis 1917, and J. Kinane in the *Irish Ecclesiastical Record*, Fifth Series, Vol. XI, No. 601, pp. 25 sqq.).—Th. Slater, S.J., *A Manual of Moral Theology*, Vol. I, pp. 100 sqq.—W. H. W. Fanning, S.J., in the *Cath. Encyclopedia*, Vol. XV, p. 704.—E. Taunton, *The Law of the Church*, pp. 644 sq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 198 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis*, Vol. II, pp. 166 sqq.

3 *Conc. Trident.*, Sess. XIII, can. 9: "*. . . singulis annis, saltem in Paschate.*"

SECTION 11

THE CESSATION OF LAW

A law may cease to be binding either for the whole of a community or for particular individuals only.

1. A law ceases to bind the whole community:

a) By abrogation (*abrogatio*), which is a complete annulment of the whole law;

b) By derogation (*derogatio*), which is the annulment of a portion of the law, the rest remaining intact;

c) By the introduction of a contrary custom (*consuetudo vim legis habens*);

d) By the fact that the law has ceased to be useful because it no longer attains the purpose for which it was made (*cessante causâ cessat effectus*);

2. A law ceases to bind individuals, *i. e.*, in particular cases:

a) By a dispensation (*dispensatio*);

b) By a privilege (*privilegium*); and

c) By *epikia*, or equity, *i. e.*, a benign interpretation of the law, by which it is deemed not to apply to some particular case.

Cases sometimes arise where it may be assumed that the lawgiver, not having foreseen all possible contingencies, would, if he were consulted, excuse the person so situated.

Epikia (ἐπιείκεια) is the application of a law according to the mind of the lawgiver and contrary to its wording. It applies to human and positive divine laws only, never to the moral law of nature. *Epikia* is not a self-dispensation, as is sometimes claimed, but may be likened to an act of justifiable self-defense or self-help, when there is a conflict of duties and one has to follow his own judgment or moral conviction in determining which is the higher duty.[1]

Such equitable interpretation is permitted in affirmative and negative or prohibitive laws, not in nullifying laws, *i. e.*, in those which make an act contrary to them null and void,[2] and only in cases where the observance of a law is attended by serious difficulties and no important interests of Church or State are at stake.[3]

Readings.—*Codex Iuris Can.*, can. 22 sq.—St. Thomas, *Summa Theol.*, 2a 2ae, qu. 120.—Th. Slater, S.J., *A Manual of Moral Theology*, Vol. II, p. 103.—E. Taunton, *The Law of the Church*, London 1906, pp. 294 sqq., 324, 266 sqq.—Suarez, *De Legibus*, I, c. 2, n. 9–11.—A. Lehmkuhl, S.J., *Theologia Moralis*, 11th ed., Vol. I, pp. 149 sqq.—A. Sweens, *Theologia Moralis Fundamentalis*, 2nd ed., pp. 232 sqq.

1 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 96, art. 6; 2a 2ae, qu. 120, art. 1–2.

2 Thos. Slater, S.J., *A Manual of Moral Theology*, Vol. I, p. 103.

3 Lehmkuhl, *Theol. Mor.*, I, p. 147; Sweens, *Theol. Mor. Fund.*, pp. 202 sqq.; Tanquerey, *Synopsis Theol. Mor.*, Vol. II, pp. 169 sq.

CHAPTER III

THE SUBJECTIVE NORM OF MORALITY—CONSCIENCE

SECTION I

THE EXISTENCE OF CONSCIENCE

The existence of conscience is a fact known to every man through his immediate consciousness.

The terms *conscience* and *consciousness,* though much alike, have distinct meanings. "In English," says Father Rickaby, "we have done with a Latin word what neither the Latins nor the French have done: we have doubled the term, making 'conscience' stand for the moral department and leaving 'consciousness' for the universal field of objects about which we become aware." [1]

When, therefore, we say that the existence of conscience is attested by consciousness, we mean that every man is immediately aware of the fact that he has a conscience. This is true of uncivilized and barbarous as well as of civilized

[1] Jos. Rickaby, S.J., in the *Catholic Encyclopedia,* Vol. IV, p. 268.

human beings. By all, conscience is acknowledged as a moral power and one of the mainstays of the social order. Cicero, Seneca, and other pagan writers extolled it as the rule and guide of life, though their conception of it was crude and not altogether correct.

The existence of conscience is taken for granted throughout the Old and New Testaments.[2] The former speaks of conscience as *heart* (καρδία), and devotes special attention to the pangs of an evil conscience. The name συνείδησις (*conscientia*) itself occurs only once in the Old Testament;[3] in the New it is used repeatedly, though never by Christ Himself. St. Paul expressly distinguishes conscience from the natural law, of which it gives testimony, and describes it as the unconditional rule of morality.[4]

Conscience, being common to all men and inborn in all, must be part of human nature, and, therefore, created by God,[5] not, as the Material-

2 Cfr. J. L. Mosheim, *Sittenlehre*, Vol. III, Helmstädt 1743, pp. 210 sqq.

3 Wisd. XVII, 11.

4 Rom. II, 14–15; XIV, 23; cfr. 2 Cor. I, 12.—St. Augustine, *Enarr. in Ps.*, 56, n. 14: "*Vicerunt persequentes* [*pagani*], *et victi sunt martyres? Absit. Quaere gloriam martyrum apud Deum, quaere foveam paganorum in confossa conscientia: ibi est enim fovea, quo cadit impius, in conscientia mala.*" (Migne, *P.L.*, XXXVI, 670).—Idem, *ibid.*, II, 30, s. 1, n. 8: "*Quidquid vis, potes fugere, homo, praeter conscientiam tuam. Intra in domum tuam, requiesce in lecto tuo, intra in interiora: interius habere nihil potes, quo fugias a conscientia tua, si rodunt te peccata tua.*" (*P. L.*, XXXVI, 234).

5 Cfr. Tertullian, *Adv. Marcionem*, I, c. 10: "*Ante anima quam prophetia: animae enim a primordio conscientia Dei dos est; eadem nec alia et in Aegyptiis et in Syris et in Ponticis.*" (Ed. Leopold, Vol. III, p. 52).

ists maintain, evolved by education, training, habit, environment or economic causes.[6] For the same reason conscience is not autonomous. Its voice, says St. Thomas, is nothing else than the manifestation of the divine law to man.[7] The inspired account of the temptation of our first parents proves this.[8] "The idea of good and evil," says a modern non-Catholic writer, "was given to man before the fall. It is a prerequisite of free-will, which could not perform its functions without that concept. An ancient tradition aptly places the tree of the knowledge of good and evil in Paradise.[9] Good and evil existed before man was seduced. Conscience began to speak in him the moment he became aware of his liberty, for from that moment he was able to judge himself and his actions as being either good or bad." [10]

What we call a guilty conscience (*i. e.*, evil concupiscence) did not, of course, exist before the fall of our first parents, but is a consequence of original sin which still affects their descendants,

6 Cfr. Th. Elsenhans, *Wesen und Entstehung des Gewissens*, Leipsic 1894, pp. 149 sqq., 204 sqq.—G. Carring, *Das Gewissen*, pp. 40 sqq., 64 sqq.

7 St. Thomas, *De Veritate*, qu. 17, art. 3: *"Quum conscientia nihil aliud sit quam applicatio notitiae ad actum, constat quod conscientia ligare dicitur vi praecepti divini."*—*Ibid.*, art. 4, ad 2: *"Conscientiae dictamen nihil est aliud quam perventio praecepti divini ad eum, qui conscientiam habet."*

8 Gen. III, 1-4. Cfr. F. Delitzsch, *System der biblischen Psychologie*, 2nd ed., Leipsic 1861, pp. 133 sqq.

9 Gen. II, 9.

10 R. Seeberg, *Gewissen und Gewissensbildung*, Erlangen 1896, p. 15; cfr. p. 71.

though its malign influence is largely offset by grace and the blessings of the atonement.[11]

READINGS.—St. Thomas, *De Veritate,* qu. 16 and 17.—P. Ewald, *De Vocis συνειδήσεως Vi ac Potestate Commentatio,* Leipsic 1883, pp. 20 sqq.—I. Jahnel, *Ueber den Begriff Gewissen in der griechischen Philosophie,* Glatz 1872.—IDEM, *De Conscientiae Notione,* Berlin 1862.—Th. H. Simar, *Das Gewissen und die Gewissensfreiheit,* 2nd ed., Freiburg 1902.—L. Lacotte, *Traité de la Conscience,* Paris 1905.—E. Janvier, *Exposition de la Morale Catholique,* Vol. II, pp. 217 sqq.—J. H. Newman, *An Essay in Aid of a Grammar of Assent,* pp. 104–118.—Jos. Rickaby, S.J., art. "Conscience" in the *Cath. Encyclopedia,* Vol. IV, pp. 268 sqq.—Sabetti-Barrett, *Compendium Theologia Moralis,* 22nd ed., pp. 31 sqq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., pp. 315 sqq.—A. Lehmkuhl, *Theologia Moralis,* 11th ed., Vol. I, pp. 73 sqq.—J. Mausbach, *Catholic Moral Teaching and its Antagonists,* New York 1914, pp. 131 sqq.

11 Cfr. St. Augustine, *De Genesi ad Literam,* XII, c. 34, n. 65: "*Non solum tertium caelum, quidquid illud est, quod profecto magnum sublimiterque praeclarum est, verum etiam in ipso homine laetitia quaedam bonae conscientiae paradisus est.*" (Migne, *P. L.,* XXXIV, 482). —IDEM, *Enarr. in Ps.,* 45, n. 9: "*Deo sedes est conscientia piorum.*" (*P.L.,* XXXVI, 520).—IDEM, *Enarr. in Ps.,* 53, n. 8: "*Quomodo magna est poena impiorum conscientia, sic magnum gaudium piorum ipsa conscientia. Nam gloria nostra haec est, ait Apostolus* (*2 Cor. I, 12*), *testimonium conscientiae nostrae.*" (*P. L.,* XXXVI, 625).

SECTION 2

THE NATURE OF CONSCIENCE

The concept of conscience, being inseparably bound up with that of soul, could not be fully developed until psychology had attained a certain degree of scientific precision.

1. Nominal Definition.—The word conscience is derived from the much wider term *conscientia,* which signifies the state of being aware of one's own actions. Popularly, conscience is often called the voice of God or a manifestation of His will in the hearts of His rational creatures.[1] This conception is substantially correct because conscience acquaints man with the dictates of the divine law, which is a power he may not contemn. But conscience is not always the voice of God. Like any other human judgment it may be erroneous. History proves this without a doubt. As men have at various times held erroneous opinions in other matters,[2] so one

1 Cfr. St. Bonaventure, *Comment. in Sent.*, II, dist. 39, art. 1, qu. 3, ad 3: "*Conscientia est sicut praeco Dei et nuntius. Et quod dicit, non mandat ex se, sed mandat quasi ex Deo, sicut praeco, quum divulgat edictum regis, et hinc est quod conscientia habet virtutem ligandi in his. quae possunt aliquo modo bene fieri.*" (*Opera Omnia,* Vol. II, p. 907).

2 Cfr. R. Seeberg, *Gewissen und Gewissensbildung,* pp. 6 sqq., 22

may (by false training or for other reasons) hold erroneous opinions in moral questions. A pagan involved in invincible and therefore pardonable error concerning the secondary precepts of the moral law, might worship idols and torture his foes with a perfectly clear conscience.[3]

2. Real Definition.—The first real definition of conscience is found in the writings of the Scholastics,[4] especially Blessed Albert the Great and St. Thomas Aquinas.[5]

a) Aristotle taught that the soul has two faculties, intellect and will, of which the latter is subject to the former. The Schoolmen adopted this theory and defined conscience as an act of the intellect or understanding.[6] Distinguishing be-

sqq.; Th. H. Simar, *Das Gewissen und die Gewissensfreiheit*, pp. 13 sqq.

3 Cfr. Rom. XIV, 23; John XVI, 2.

4 Cfr. Th. H. Simar, *Die Lehre vom Wesen des Gewissens in der Scholastik des 13. Jahrhunderts*, I, Freiburg 1885, pp. 5 sqq.—A practical meditation on conscience by a 12th century writer is contained in the anonymous *Libellus de Conscientia*, reproduced in Migne's *Patrologia Latina*, CCXIII, 903 sqq. —See also the *Liber de Conscientia ad Alcherum* of Peter Cellensis (*P. L.*, CCII, 1083 sqq.) and the *Tractatus de Interiori Domo sive de Conscientia Aedificanda* of an unknown contemporary of St. Bernard (*ibid.*, CLXXXIV, 507 sqq.).

5 Albert the Great, *Summa de Creat.*, P. II, *De Homine*, qu. 69–70; Idem, *Comment. in Sent.*, II, dist. 5, art. 6; dist. 24, art. 14.—St. Thomas, *Summa Theol.*, 1a, qu. 79, art. 12–13; 1a 2ae, qu. 19, art. 5; *De Veritate*, qu. 16–17; *Comment. in Sent.*, II, dist. 24.—Cfr. H. Appel, *Die Lehre der Scholastiker von der Synteresis*, Rostock 1891, pp. 28 sqq.; A. Strobel, *Die Lehre des Albertus Magnus über das Gewissen*, Sigmaringen 1901, pp. 2 sqq.; F. J. Brück, *Die Lehre vom Gewissen nach Antonin*, Freiburg 1909.

6 In opposition to the Dominican school, which regarded conscience as an act of the intellect only, the Franciscan theologians, led by Alexander of Hales and St. Bonaventure, conceived it as a moral faculty, based upon the appetitive powers as well as upon the understanding. (Simar,

tween the speculative and the practical intellect, they assumed a double conscience.

The speculative conscience (*synteresis*) [7] they defined as a habit by which the soul perceives the general principles of right conduct.[8] In other words, "synteresis is an habitual hold upon primary moral judgments, as, that we must do good, avoid evil, requite benefactors, honor superiors, punish evildoers." [9]

The practical or so-called individual conscience is a judgment or dictate of practical reason deciding that a particular action is right or wrong.[10] It is an application of speculative knowledge to concrete facts.[11] The process by which reason arrives at the judgment called practical conscience is essentially syllogistic. The major premise (*iudicium iuris*) is a judgment of the speculative conscience. The minor (*iudicium facti*) is its application to the particular case in hand. The conclusion is the final judgment as to the moral

Die Lehre vom Wesen des Gewissens in der Scholastik des 13. Jahrhunderts, I, p. 7; cfr. pp. 10 sqq.).

7 On the much-discussed term συντήρησις cfr. J. Jahnel, "*Woher stammt der Ausdruck Synteresis bei den Scholastikern?*" in the *Theologische Quartalschrift* of Tübingen, 1870, pp. 241 sqq. It owes its existence to a corrupt passage in St. Jerome's Commentary on the Prophet Ezechiel (I, c. 1, n. 10): "*Graeci vocant συντήρησιν, quae scintilla conscientiae in Adami quoque pectore, postquam eiectus est de paradiso, non extinguitur et quâ. . . . nos peccare sentimus.*" (Migne, P. L., XXV, 22). The correct form of the word is συνείδησις.

8 "*Cognitio speculativa principiorum universalium ad bene vivendum.*"

9 Jos. Rickaby, S.J., *Moral Philosophy*, p. 137.

10 "*Iudicium seu dictamen practicum rationis, quo iudicamus, quid hic et nunc sit agendum ut bonum aut vitandum ut malum.*"

11 "*Applicatio scientiae ad aliquem actum specialem.*"

character of the act under consideration, *i. e.,* the practical conscience itself.

For example:

Major: To lie is sinful;
Minor: To speak so and so would be to lie;
Conclusion: Therefore it is sinful to speak so and so;

or:

Major: Adultery is forbidden;
Minor: What I am about to do is adultery;
Conclusion: Therefore what I am about to do is forbidden;

or:

Major: I must obey all who command me with lawful authority;
Minor: X. commands me here and now with lawful authority;
Conclusion: Therefore I must here and now obey X.

This theory is not, however, quite satisfactory. For, in the first place, the operation of conscience does not entirely coincide with that of practical reason. On the contrary, the two are often disproportionate. A man may have a highly developed mind coupled with a dull and unresponsive conscience. *Vice versa,* the conscience is sometimes very active and delicate in a mind that has little more than the rudiments of intellectual culture. Another defect of the Scholastic theory is that it does not account satisfactorily for the characteristic phenomenon called good or bad conscience, which is a mere sentiment

preceding the judgment of reason and causing it to reflect about what it has done or is about to do.

b) To remedy this defect, the Scholastics drew a distinction between *conscientia antecedens* and *conscientia consequens*. *Antecedent* conscience is a dictate of practical reason preceding action; *consequent* conscience follows an action, approving it as right or condemning it as wrong. According to this explanation, what men call bad conscience is simply a judgment of reason condemning an illicit act and its consequences; in other words, it is the perception of, and regret for, a false conclusion and a foolish act based thereon. In matter of fact, however, the so-called pains or qualms of conscience are something more than mere regret over a wrongly drawn conclusion. Nor can the underlying difficulty be removed by conceiving the *conscientia antecedens* as an act of the understanding and the *conscientia consequens* as a mere sentiment, for to divide conscience into two essentially different faculties would destroy its unity.

3. THE SCHOLASTIC THEORY AS PERFECTED BY THE MYSTICS.—The Scholastic theory of conscience was complemented and perfected by the medieval mystics,[12] who held that deep down in the

12 Cfr. J. Jahnel, *De Conscientiae Notione*, pp. 81 sqq.; W. Schmidt, *Das Gewissen*, pp. 225 sqq.

innermost recesses of the human soul there is a spark of eternal light (*scintilla animae*), which God Himself has put there to preserve the soul from destruction.[13] Intellect and will, according to this theory, can be made serviceable to evil; not so the *scintilla animae*, in which God Himself dwells as the object of mystical contemplation. It is this spark of divine light in the soul that the mystics regard as the true seat of conscience.

4. No Strict Definition of Conscience Possible.—A strictly adequate definition of conscience is impossible because we do not understand the mysterious nature of the soul. But such a definition is not necessary for our purpose. We can obtain a sufficient knowledge of the nature of conscience by studying its manifestations (*a posteriori*). Observation teaches that every dictate of conscience is first a judgment of reason concerning the moral character of an act, and secondly a stirring of the will, in the form of a command, admonition or warning, especially an impulse of sentiment in the shape of a reproach or pain. Hence conscience is more than an act of the understanding. It engages all the faculties of the soul, and consequently is not a separate and

13 Cfr. John V, 18.—St. Thomas, *Comment. in Sent.*, II, dist. 24, qu. 2, art. 3, ad 5; *De Veritate*, qu. 17, art. 2, ad 3.—St. Bonaventure, *Comment. in Sent.*, II, dist. 39, art. 2, qu. 1, ad 3.—M. Grabmann, "*Die Lehre des hl. Thomas von der Scintilla Animae*," in the *Jahrbuch für Philosophie und spekulative Theologie*, Paderborn 1900, pp. 413 sqq.

distinct faculty, but something which lies beneath all faculties, at the very basis of the soul.

We may therefore roughly define conscience as a habit or capacity (*habitus*) of the three faculties of the soul — intellect, will, and feeling,— by which man is bound to the moral order of the universe, *i. e.*, the will of God; or, in other words, the capacity of applying objective laws to subjective conduct or of regulating man's actions in accordance with the law.

Thus defined, conscience appears as a moral and religious faculty or disposition placed in the soul by God, and developed together with its other faculties. The fact that conscience depends upon the faculties of the soul and is subject to many internal and external influences, explains why it acts differently in different individuals. Conscience itself is never mistaken, but it sometimes makes a wrong application of the primary precepts of morality to individual cases. In its innermost essence conscience, therefore, is "the internal and proximate rule of human conduct," [14] and to act deliberately against its dictates is always sinful, because such conduct involves a denial of ethical personality,—a sort of moral self-annihilation.

The first principle of morality, therefore, is this: *Always obey your conscience, for to act against its dictates is invariably a sin.*[15]

14 "*Regula interna, proxima sive formalis actuum humanorum.*"

15 "*Omne, quod non est ex fide, peccatum est.*" Rom. XIV, 23.— Cfr. St. Alphonsus, *Theol. Mor.*, l. I, n. 55 (ed. Gaudé, I, 25); J. Scheeben, *Dogmatik*, Vol. III, pp. 954 sqq.

Readings.—St. Thomas, *De Veritate,* qu. 16 and 17.—Th. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 57 sqq.—Jos. Rickaby, S.J., *Moral Philosophy,* pp. 135 sqq.—Idem, art. "Conscience" in the *Cath. Encyclopedia,* Vol. IV, pp. 268 sqq.—R. Hofmann, *Die Lehre von dem Gewissen,* Leipsic 1866.—M. Kähler, *Das Gewissen,* Vol. I, Halle 1878.—M. R. Kabisch, *Das Gewissen, sein Ursprung und seine Pflege,* Göttingen 1906.—Th. H. Simar, *Das Gewissen und die Gewissensfreiheit,* Freiburg 1874.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 448 sqq.

SECTION 3

REQUISITES OF A NORMAL CONSCIENCE

To be entirely reliable, conscience must be right, certain, and watchful. Hence the three conditions for the normal functioning of conscience enumerated by the Schoolmen: *rectitudo, certitudo, vigilantia.*

1. In order to be right (*recta s. vera*), conscience must accord with the eternal law. Every man is in duty bound to follow his conscience when it prescribes an act as commanded or forbids it as unlawful.

Conscience is called erroneous (*conscientia erronea*) when its dictates are not in harmony with the moral law.[1] The mistake may be owing to a false conception of the law (*error iuris*), or to a wrong application of its provisions to a concrete fact (*error facti*), or to a faulty conclusion formed with regard to the latter (*iudicium facti*).[2]

If a mistake is made that could have been avoided, the conclusion is said to be vincibly erroneous (*error vincibilis*). In this case an act may be sinful, not because the

1 Cfr. Rom. XIV, 23; 1 Cor. VIII, 7; X, 25 sqq.; John XVI, 2.

2 Cfr. St. Thomas, *De Veritate*, qu. 17, art. 2: "*Conscientia nihil aliud est quam applicatio scientiae ad aliquem specialem actum. In qua quidem applicatione contingit esse errorem dupliciter: uno modo, quia id, quod applicatur, in se errorem habet, alio modo ex eo, quod non bene applicatur.*"—Cfr. 1 Cor. VIII, 1-13.

agent has obeyed his conscience, but because the error was willed in the cause (*voluntarium in causa*). An erroneous conscience is invincible (*error invincibilis*) if the mistake committed was absolutely unavoidable. To follow the dictates of an invincibly erroneous conscience is no sin, even when the act performed is objectively evil. On the contrary, it would be sinful to act against one's conscience, even if, in acting against it, one would be objectively in the right. Of course, the mistake must be corrected as soon as it is realized.

2. Conscience is called certain (*conscientia certa*) if it declares without hesitation that an action is right or wrong. Where uncertainty exists, it is a duty to obtain certainty as soon as possible. When a man finds himself unable to form a certain conclusion with regard to the moral character of an act, he will either suspend judgment or assent to one of two contrary propositions, though conscious that the other may be true. In the former case, *i. e.*, if no sufficient reasons are known for either affirming or denying a proposition, or if equally important reasons speak for the one and for the other, conscience is said to be doubtful (*conscientia dubia*). A doubtful conscience, if it bases its action on good and solid grounds, is called probable (*conscientia probabilis*).

A doubtful conscience may, therefore, be defined as a suspension of judgment with regard to the lawfulness of an act.

Theologians distinguish between positive and negative doubt. When there are no reasons, or very slight reasons, on either side, there is a negative doubt. Such doubts, which calm consideration generally shows to be unfounded, must be treated like temptations. When there is an apparent equality of reasons, and the mind cannot arrive at a decision either one way or the other, the existing doubt is positive. When positive doubt has reference to the morality of an action it is not lawful to perform that action.[3] While conscience is in this state, one may abstain from action, or, if the decision cannot be postponed, one must do what would be licit in any case. Thus, in doubt whether an action be permissible, when it is certain that such an action may be omitted, the action is to be omitted, and *vice versa*. This is what is meant by the Scholastic axiom, *"In dubiis pars tutior est sequenda."*

From what has been said it follows that every man is in duty bound to rid himself of doubts and to acquire a certain conscience (*bona fides*). Whoever makes a sincere effort to solve his doubts by observing the conduct of conscientious people situated in similar circumstances, consulting an experienced guide, praying for light and trusting in Providence, will not sin, even if his final decision should happen to be wrong.[4]

3 Cfr. St. Alphonsus, *Theol. Mor.*, l. I, n. 22 (ed. Gaudé, I, 11): *"Dicimus, nunquam esse licitum cum conscientia practice dubia operari; et casu, quo aliquis operatur, peccat, et quidem peccato eiusdem speciei et gravitatis, de quo dubitat, quia qui se exponit periculo peccandi, iam peccat iuxta illud: Qui amat periculum, in illo peribit* (Eccli. *III*, 27). *Quare si dubitat, an illud sit mortale, mortaliter peccat."*

4 Indirectly, according to Lehmkuhl, one may resolve a doubtful case by these reflex principles: (1) *In dubio melior est conditio possidentis;* (2) *Videndum est, cui incumbat onus probandi;* (3) *Ut legi certae extra materiam iustitiae satisfactum sit, sufficit probabilis impletio positive probata;* (4) *In dubiis standum est pro eo, pro quo stat praesumptio;* (5) *In dubio iudicandum est ex ordinarie contingentibus;*

3. A watchful conscience (*conscientia vigilans*) is one which asserts itself promptly and strongly under all circumstances. The quality of watchfulness is enhanced by a conscientious observance of all the commandments, by careful attention to the inner workings of conscience, and especially by regular daily examinations.[5] A conscience thus trained becomes tender (*conscientia tenera*) and makes its possessor a conscientious man.

Continued disregard of the laws of God renders the conscience obtuse (*cauteriata*) and finally lax.[6]

a) A blunt or obtuse conscience fails to protest even against grievous sins. It is called *sleeping,* not *dead,* because conscience never dies, but always awakes again, even in the greatest criminals, either of itself or under the influence of grace, though often too late.[7] Needless to say, every man is bound to keep his conscience from going to sleep.

b) A lax conscience (*conscientia laxa s. lata*) is characterized by a tendency to deny or diminish obligations. It results from harboring wrong

(6) *Factum non praesumitur, sed probandum est; sed quod de iure faciendum erat, in dubio factum seu recte factum esse praesumitur;* (7) *In dubio favores sunt ampliandi, odiosa restringenda, i. e. benigniora praeferenda sunt;* (8) *In dubio, quod minimum est, tenendum;* (9) *In dubio pars tutior sequenda est.*—For an explanation of these rules, and some useful hints as to their application, see A. Lehmkuhl, S.J., *Theol. Mor.*, Vol. I, 11th ed., Freiburg 1910, pp. 122–126.

5 Cfr. Gal. VI, 4 sq.; Eph. IV, 26.

6 Cfr. 1 Tim. IV, 2.

7 Cfr. Mark IX, 43.

principles and leading a sinful life, and may be described as a frivolous conception of life and its duties.[8] When a man's conscience has grown lax, his actions are morally equivalent to those performed in a state of vincible ignorance. A lax conscience is very hard to cure.[9] There is really but one effective remedy for it, *viz.:* a thorough-going change of life. This is a drastic medicine, but unless it is applied promptly, the patient will succumb to delusions, grow impenitent, and incur eternal damnation.[10]

Readings.—Th. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 59 sqq.—Sabetti-Barrett, *Compendium Theologiae Moralis,* 22nd ed., pp. 31 sqq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., pp. 319 sqq.—A. Tanquerey, *Synopsis Theologiae Moralis,* Vol. II, pp. 203 sqq.

8 Cfr. Matth. XXIV, 38.

9 Cfr. Apoc. III, 15 sq.

10 Cfr. Ecclus. III, 29: "The sinner will add sin to sin."

SECTION 4

A SCRUPULOUS CONSCIENCE

Scrupulosity or scrupulousness is a peculiar irregularity by which the conscience is led to exaggerate obligations or to regard harmless actions as sinful. A scrupulous man is harassed by groundless doubts and worries, which sometimes cause desperation or religious dementia.

Scrupulosity is often simulated by penitents for egoistic ends, *e. g.*, to make a good impression on the confessor. A prudent confessor will therefore treat such cases with great caution, especially when women are involved. What appears to be a scrupulous conscience is sometimes mere hypocrisy, which, after the manner of the Pharisees, strains at gnats and swallows camels, *i. e.*, pretends to worship the letter of the law without regard for its spirit, and loads down others with burdens which it declines to assume itself.[1] Such a conscience is called *conscientia pharisæica,* and is almost impossible to cure because it springs from that most tenacious of all vices,—pride.

A scrupulous conscience, on the other hand, can

1 Cfr. Matth. XXIII, 2 sqq., 13 sqq.; John XVIII, 28.

usually be cured by the timely application of suitable remedies.

a) The first step to take is to determine the cause. In the majority of cases the confessor will discover a pathological condition of either the body or the mind. The penitent must be enjoined under strict obedience to remove the cause of his scruples by applying the remedies suggested to him. There is no other cure because the victim of scrupulosity nearly always seeks the cause of his disorder outside himself. Where scruples are merely a trial of the soul, or a penalty for previously committed sins, or a test of virtue, they may be regarded as a disposition of Providence, and the penitent should be admonished to be patient, humbly put his trust in God, and use his affliction as a means of acquiring greater perfection.

If scrupulosity is the result of diabolical obsession and the confessor decides to perform an exorcism, he should not let the penitent know anything about it.

A second reason for enjoining strict obedience to the directions of the confessor is the inclination of scrupulous persons to reject the advice of others and obstinately adhere to their own notions. Such people need, and generally desire, a firm guide, and it is safe to say that a scrupulous penitent will never sin if he follows the advice of his confessor. For the same reason a prudent confessor should inexorably send a scrupulous penitent back to his former confessor, or, when this is impossible, accept him only on condition that he promises strict obedience. Priests do well to be lenient toward scrupulant penitents in all other things, but they should punish disobedience with firmness, even by denying absolution.

b) The specific remedies indicated in each individual

case must be applied after a careful consideration of all the symptoms. When a scrupulous person is haunted by temptations against purity, or by the fear of consenting to blasphemous thoughts, he should be instructed to accuse himself of such things only if he can make oath to the effect that he has consented. Men and women who have a tender conscience do not usually commit a grievous sin without being aware of the fact. Where scruples have reference to past confessions, they are generally caused by a false notion of the requirements of valid confession or by the apprehension of losing the right disposition at any moment. In such cases it may be advisable to instruct the penitent regarding the necessary requisites of confession. If a general confession is likely to afford relief, let it be suggested or permitted, on condition that the penitent confess no sins of his previous life, unless he is ready to take an oath that he actually committed and never confessed them before. As a rule scrupulous penitents should be dissuaded from brooding over or mentioning past sins. This is a wise rule to follow, because, even though something serious may occasionally be left out, the preservation of bodily and spiritual health is a higher duty than the material integrity of sacramental confession.

Another class of scrupulants labor under the fear of committing a sin every time they act. Such persons should be advised to disregard their apprehensions and to go ahead resolutely without trying to solve their doubts, because no one who earnestly strives to serve God is likely to commit a grave sin without being aware of the fact.

The rule bidding men to abstain from acting as long as their conscience is in a state of doubt, does not apply to scrupulants. If it did, they would never act at all, as they are never free from doubt. Such persons should be taught to disregard the maxim, "*In dubio pars tutior est*

sequenda," and they will rarely sin, except in a material sense, because they will not act against conscience, but merely against unreasonable fears and scruples.

Finally, scrupulous persons should be forbidden to repeat prayers, penances, etc., which they think they have performed imperfectly. Of course, where harm has resulted to another by an incomplete performance of duties, even the scrupulant can not be dispensed from repetition, *e. g.*, if a scrupulous priest had mispronounced the formula of absolution, he would be bound to repeat the same. Usually, however, scrupulants only think they have erred in such cases, and since their doubts are unfounded, there is no obligation to repeat.

Readings.—Thos. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 76 sqq.—Idem, *Questions of Moral Theology,* New York 1915, pp. 329 sqq.—J. F. Delany in the *Cath. Encyclopedia,* Vol. XIII, pp. 640 sq.—Sabetti-Barrett, S.J., *Compendium Theologiae Moralis,* 22nd ed., New York 1915, pp. 35 sqq.—De Lehen, S.J., *The Way of Interior Peace,* New York 1888, pp. 268 sqq.—F. P. Kenrick, *Theologia Moralis,* Vol. I, 2nd ed., pp. 26 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, pp. 198 sqq.—A. Lehmkuhl, S.J., *Theologia Moralis,* 11th ed., Vol. I, pp. 76 sqq.—A. Konings, C.SS.R., *Theologia Moralis,* 2nd ed., Vol. I, New York 1876, pp. 19 sqq.

CHAPTER IV

THE SUBJECTIVE-OBJECTIVE NORM OF MORALITY —DUTY

SECTION I

DUTY AND ITS MOTIVES

I. Definition and Division of Duty.—Law as the external rule of conduct objectively binds all those for whom it is made; but it does not become a subjective obligation for the individual until obedience to it is perceived to be a duty (*officium*). Duty has been defined as the recognition of the applicability of a general precept to a concrete case. More correctly, it is a moral obligation to do something or refrain from doing it.[1]

Jurisprudence knows none but compulsory duties, which can be enforced by external means. In the court of Moral Theology, on the contrary, every duty binds in conscience because duty, in its last analysis, spells accountability to the will of God (*supremus debendi titulus*). Hence the following distinctions:

1 Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 58, art. 3, ad 2: "*Duplex est necessitas: una coactionis . . . Alia autem est necessitas ex obligatione praecepti sive necessitate finis, quando scilicet aliquis non potest consequi finem virtutis nisi hoc faciat.*"

(1) Natural and positive duties. Natural duties (*officia naturalia*) arise from the moral law of nature, positive duties (*officia positiva*) from divine or human laws.

(2) Negative and affirmative duties. Negative duties (*officia negativa*) forbid, whereas affirmative duties (*officia affirmativa*) command.

(3) Absolute (or perfect) and hypothetical (or imperfect) duties. The former bind not only always (*semper*), but in all conceivable circumstances (*pro semper*), *e.g.*, telling the truth; the latter under certain conditions only (*semper, sed non pro semper*), as *e.g.*, fraternal correction.

(4) Duties to God, to oneself, and to one's fellowmen.

(5) Individual and social duties, arising from one's obligations towards oneself and one's relations to society.

(6) Duties of charity and duties of justice, dictated respectively by these two fundamental virtues.

(7) Higher duties obliging under pain of grievous, and lower duties obliging under pain of venial sin, according to the degree of obligation and especially according to the importance of the object involved (*gravitas sive levitas materiae*).

There are as many duties as there are actions that fall under the general law, and hence no exhaustive enumeration is possible. Life is in constant motion and conditions are changing all the time.

II. Motives.—A motive is a reason for doing a thing, apprehended by the intellect, plus a desire to do it, residing in the soul. The motives that impel a Christian to live up to his duties are fear of God (*timor Domini*) and charity (*caritas*). These two motives differentiate Catholic

Moral Theology from Determinism, as well as from the Pharisaic legalism that obeys the letter but disregards the spirit of the law.

1. The highest of all motives is charity. It excludes moral compulsion and that slavish fear which cringes in apprehension of punishment;[2] but it does not exclude that childlike reverence (*timor filialis*) which is the beginning of love (*timor initialis*).[3]

All fear is more or less a product of egoism, and hence the *timor filialis* is a less perfect motive than charity. But even pure charity is not absolutely disinterested, and therefore moral compulsion as a means of training the will, and filial fear as a motive of duty, are not opposed to the Christian religion, though charity is invariably the highest and the only perfect motive.[4]

St. Bernard writes: "Charity alone can deflect the heart from self-love and love of the world, and direct it towards God. Neither fear nor self-love (*amor privatus*) is able to transform the soul. These motives sometimes alter a man's mien or some single act of his, but

2 *Timor servilis*, technically called *timor serviliter servilis*. (Cfr. 1 John IV, 18).

3 Ps. II, 11; Is. XI, 2 sq.; XXXIII, 6; Mal. I, 6; Prov. I, 7; IX, 10; XV, 33; Ecclus. I, 11, 22; XIX, 18; XXI, 13; XL, 28; Job XXVIII, 28; Matth. X, 28; Luke XII, 5; Rom. VIII, 15–17; 2 Cor. VII, 1; Gal. IV, 6; Phil. II, 12; 1 Pet. I, 17.—Cfr. St. Augustine, *De Vera Relig.*, c. 17, n. 33: "*Pietas timore inchoatur, caritate perficitur*" (Migne, *P. L.*, XXXIV, 136).—Idem, *Enarr. in Ps.*, 63, n. 2.—Alcuin, *De Virtut. et Vitiis*, c. 15.—St. Thomas, *Summa Theol.*, 2a 2ae, qu. 19, art. 1–12.

4 "*Oderunt peccare boni virtutis amore.*" (Horace, *Epist.*, 1, 16, 52). A man who merely obeys the law because he fears punishment, is not a *vir bonus*.

they never change his character (*affectum*). Even he who is a slave [to sin] occasionally obeys the will of God; but as he does not act of his own accord (*sponte*), it easily becomes manifest that his heart continues to be hardened." [5] According to Aquinas man's ultimate destiny is to be united to God by charity, and therefore sanctity or Christian perfection consists essentially in loving God and one's fellowmen in obedience to the sovereign precept of the Gospel.[6] A famous fifteenth-century preacher, P. John Herolt, O.P., says: "To be truly good, our actions must be inspired by the love of God. What is not done for charity's sake, is neither pleasing to God nor meritorious. Hence we must guard against serving God merely for the sake of eternal reward, or because we are afraid of hell, but must do good chiefly for the love of God and His greater glory. True, the desire for Heaven and the fear of hell are salutary motives; but to avoid evil for no other purpose than to escape punishment would not only be unbecoming to a Christian but positively sinful." [7] St. Ignatius Loyola says that a man should be guided in all his actions as much as possible by a pure and perfect love of God, though he may be aided also by fear of punishment or hope of reward.[8] The meaning is that we should strive to act from pure love of God, though not as if to act from lower motives were sinful.

2. To the slavish legalism of the Pharisees [9] the Catholic Church opposes the spiritual inter-

5 *Liber de Diligendo Deo*, c. 12, n. 34 (Migne, *P.L.*, CLXXXII, 995).

6 Cfr. the *Summa Theologica*, 2a 2ae, qu. 184, art. 1 and 3.

7 Cfr. N. Paulus, *Johann Herolt und seine Lehre*, in the *Zeitschrift für kath. Theologie*, Innsbruck 1902, pp. 417 sqq.

8 *Const.*, III, 1, 26 (Florence ed., 1893, 2, 43).

9 Cfr. Matth. XXIII, 1–33; Mark XII, 38–40; G. Beer, *Schabbath*, Tübingen 1908, pp. 37 sqq.

pretation of the law (*ratio legis*). She bids us obey the spirit rather than the letter, because the essence of morality does not consist in a purely external and material conformity to the law, but above all in a willing disposition of the heart and mind.[10] There is no morality without legality, because one who truly loves God will gladly obey His law. On the other hand it is equally true that there is no true legality without morality.[11] The alleged opposition between the interior spirit and external observance, between the gospel and "ecclesiastical formalism," exists only in the imagination of our opponents. There is, of course, no intention of denying that opposition between the two is possible. Man may obey the law outwardly while resisting it inwardly, and thereby destroy the true spirit of religion within his soul. But this is not the Catholic idea. The Church demands that we embrace the faith sincerely and obey its precepts with a cheerful heart. It was in this sense that Christ, after accusing the Pharisees of tithing mint and anise and disregarding the weightier things of the law—judgment, mercy, and faith—said to them: "These things you ought to have done, and not to leave those undone." [12]

10 Cfr. Gen. IV, 3–5; Matth. XII, 1–12; Mark XII, 41–44; Luke XXI, 1–4.

11 Cfr. Matth. XXI, 28–32; XXIII, 23–30; John XIV, 15, 21; XV, 10; 1 Cor. XIII, 1–8.

12 Matth. XXIII, 23.—Ph. Kneib, *Die "Jenseitsmoral,"* pp. 57 sqq.

The Catholic Church has never been satisfied with inculcating a merely external observance of the commandments. On the contrary, she has always insisted on faith and charity as the chief postulates of Christian perfection. St. Cyprian says: "When Cain and Abel offered their sacrifices to God, He regarded not the gift, but the heart of the givers, and was pleased best by the gift of Abel because Abel had a pure heart."[13] St. Ambrose writes: "The spirit in which you do a thing gives your work its name. As it comes out of your heart, so will it be appreciated [by God]. You see how the Judge regards your interior disposition. He consults with you as to whether He should accept your gift; He first interrogates your mind."[14] St. Augustine teaches: "Men's actions are judged [by God] according to the motive that inspires them, *i. e.*, charity. Many things are done which look well enough, but do not spring from charity; even the thorns produce flowers. Some things that seem harsh and inhuman, are done at the behest of charity (*dictante caritate*) to further a good cause. Hence the brief commandment is once for all impressed upon you: 'Love [God] and do what you please' (*Dilige et quod vis fac*). . . . Let the root of charity grow in your heart, then nothing but good will proceed therefrom."[15] St. Gregory the Great declares: "God weighs the heart, not the gift (*substantiam*), and when a sacrifice is offered to Him, He does not regard its size, but the heart from which it comes. . . . Before God the hand is never empty if the shrine of the heart is filled with good will.

13 *De Oratione Dominica*, c. 24, n. 8.—See the Vienna edition of St. Cyprian's works (*Corpus Scriptorum Eccles. Latin.*), III, 1, 285.

14 *De Officiis*, I, c. 30 (Migne, *P.L.*, XVI, 66).

15 *Tract. in Epist. I Ioa.*, VII, n. 8 (Migne, *P.L.*, XXXV, 2033).—Cfr. Abélard, *Ethica*, c. 5: *"Habe, inquit Augustinus, caritatem et fac, quod vis."* (*P.L.*, CLXXVIII, 647).

. . . No more precious gift can be offered to God than good will." [16] John Herolt teaches that "the disposition of him who offers sacrifice is more pleasing to God than the gift offered. For perfection or holiness of life does not consist in external practices, such as fasting, watching, etc., but in humility, patience, chastity, mercy, obedience, and, above all, charity. External practices (*exteriora exercitia*) are valueless except in so far as they fit man to lead a virtuous life and are dictated by the right spirit." [17]

St. Alphonsus summarizes the teaching of the Church as follows: "The essence of Christian perfection consists not in severity towards oneself, nor in prayer, nor in the frequent reception of the Sacraments, nor in giving alms, but in charity." [18]

Needless to say, by thus insisting on the need of genuine charity these writers do not intend to disparage the practice of good works.

3. PARVITAS MATERIAE.—The teaching of the casuists concerning *parvitas materiae* must be judged in the light of the truth just set forth, namely, that the state of a man's soul is determined, not by his external compliance with the law, but by his interior disposition. Catholic theologians hold that a duty may be regarded as fulfilled even though the act be materially incom-

16 *Hom. in Evang.*, I, hom. 2 (Migne, *P. L.*, LXXVI, 1093).—On the teaching of the Fathers cfr. M. Reichmann, S. J., *Der Zweck heiligt die Mittel*, Freiburg 1903, pp. 29 sqq., 40 sqq.

17 Cfr. N. Paulus, "*Johann Herolt und seine Lehre*," in the Innsbruck *Zeitschrift für kath. Theologie*, 1902, pp. 429 sqq.

18 *Practica di amar Gesù Cristo*, Turin 1768.—Cfr. F. Meffert, *Der hl. Alfons von Liguori*, Mayence 1901, p. 258; John Cassian, *Collat. Patr.*, I, c. 6–7 (Migne, *P.L.*, XLIX, 488); St. Gregory the Great, *Hom. in Evang.*, II, hom. 29, n. 4 (*P.L.*, LXXVI, 1216).

plete, and that no transgression is a mortal sin if the matter is unimportant (*materia parva*),—provided, of course, that the will of the transgressor be not positively evil; for a positively evil will may render an act grievously sinful even if the object be in itself slight.[19]

The doctrine of the *parvitas materiae*, however, is not without its difficulties. It cannot be left to the subjective judgment of the individual to decide in a given case what is *materia parva*, and the casuists have made it their particular business to fix a point with regard to every single commandment where the *parvitas materiae* begins. But their decision can only be approximate and naturally is subject to change. The objects of the moral law cannot be measured with mathematical precision. Note also that, if the *parvitas materiae* is to be interpreted in favor of morality, the subject must have the will to obey the law. Where good will is lacking, or where there is a positive tendency to evil, an act may be mortally sinful even though its object is *materia parva* according to common estimation. Thus the destruction of some object belonging to another, even though its value be small, may involve great malice, *e. g.*, when one knows that the owner is extremely fond of the object and would be deeply grieved by its loss. In this way an act directed to a small and unimportant object may yet be a grievous sin.[20]

READINGS.—M. Cronin, *The Science of Ethics*, Vol. I, pp. 203 sqq.—R. I. Holaind, S.J., *Natural Law and Legal Practice*, pp. 267 sqq.—Th. Meyer, S.J., *Institutiones Iuris Naturalis*, Vol. I, 2nd ed., pp. 378 sqq.—C. Gutberlet, *Ethik und Naturrecht*, 3rd ed., pp. 100 sqq.

19 Cfr. H. Thurston, S.J., in the *Cath. Encyclopedia*, Vol. IX, p. 154.

20 F. X. Linsenmann, *Lehrbuch der Moraltheologie*, p. 102.

SECTION 2

CONFLICT OF DUTIES

I. When a man has two or more duties, but is able to fulfil only one, he is confronted by what moralists call a conflict of duties.

At first blush it would seem that such a conflict can exist only in the mind. If what we call law is primarily a communication of truth to the human intellect, by which knowledge is increased and the moral judgment sharpened, it must be possible for the average man to inform himself with regard to the spirit of existing laws and their mutual relations so as to avoid perplexity of conscience.[1] Furthermore, the law is supposed to safeguard conscience in all important matters against doubt and error. This contention is strengthened by a consideration of the ultimate basis on which the concept of duty rests,—*i. e.*, the will of God, who cannot contradict Himself.

In reality, however, since the fall of our first parents, conditions are such as to make a conflict of duties possible, nay in many instances real.

1 Cfr. St. Jerome, *Tract. sive Hom. in Ps.* (ed. G. Morinus): *"Nunquam christiano nox est; semper christiano sol iustitiae oritur."*

1. The moral order is seriously and permanently disturbed by sin. This disturbance is an objective and universal fact which permeates the whole of society. Man, on being born, enters a world full of grievous disorders. He is surrounded all through life by false notions and immoral deeds. Perplexity of conscience arises indeed primarily and immediately from defective knowledge. But the underlying error is more than subjective or individual. It is an objective fact resulting from the general condition of things and the dependence of each individual on the ideas and acts of his fellowmen.

2. In consequence of the disturbed moral order man's destiny and his position in the universe are twofold,—temporal and eternal, earthly and heavenly,—and it requires extraordinary insight and more than a purely natural wisdom to harmonize the respective duties of both spheres—to provide for the needs of the body without detriment to the soul.

Moreover, man is not merely an individual; he is also a social being, and as such has duties to his fellowmen and to society. These duties (devotion to family and country, etc.) often clash with the duties he owes to himself, and every collision gives rise to doubts and conflicts, which are not merely the product of subjective and vincible error in the mind, but actually exist *in rerum na-*

tura as a consequence of the disturbance of the moral order.

II. Moralists have laid down certain general rules by which a man is enabled to choose between conflicting duties according to their relative importance. Though all obligations have the same source (*i. e.,* the will of God), they differ in degree according to the order of the various laws, the relative importance of the objects which they are intended to promote, and the social standing of the persons concerned.

1. Some duties derive their relative importance from the laws by which they are imposed.

a) Duties based upon the moral law of nature precede those enjoined by positive divine or human law. Hence it is not allowed to tell a lie in order to obey one's parents, but it *is* allowed to do servile labor on the Lord's Day to assist a fellowman in need.[2] Likewise it is never permitted to commit a grievous sin in order to prevent a venial sin.[3] It goes without saying that divine laws rank higher than purely human laws and that, all other things being equal, the religious

2 Cfr. Matth. XII, 1–14; Mark II, 23–28; III, 1–5; Luke VI, 1–11. Cfr. 1 Kings XXI, 1–6.

3 Gen. XIX, 8; Judg. XIX, 24.—In regard to the question, "*An liceat consulere sive suadere minus malum ad evitandum maius?*" the Fathers and theologians differ. Cfr. H. Zschokke, *Die biblischen Frauen des Alten Testaments,* Freiburg 1882, pp. 73 sqq.; F. Heiner, *Des Grafen Paul v. Hoensbroech neuer Beweis des "jesuitischen" Grundsatzes: Der Zweck heiligt die Mittel,* 3rd ed., Freiburg 1904, pp. 28 sqq.; Dr. Fidelis, *Hoensbroech contra Dasbach,* Klagenfurt 1904, pp. 5, 8, 13; G. F. Dasbach, *Dasbach gegen Hoensbroech,* Treves 1904, I, pp. 19 sqq; II, 2nd ed., Treves 1905.

precepts imposed by the Church involve a heavier obligation than purely civil ordinances.[4]

b) Negative take precedence over affirmative duties; in other words, it is a higher duty to avoid sin than to perform good works. Hence it is not permitted to violate the truth in order to satisfy the obligation of sanctifying Sunday, for the end does not justify immoral means.[5]

c) Duties corresponding to a strict right (called duties of justice) as a rule precede those enjoined by charity. Hence no man is permitted to steal in order to give alms. Note, however, that there are circumstances in which, for the sake of some higher consideration, duties of charity may take precedence over duties of justice. Thus a man is bound to assist a fellowman in extreme need before paying his own legitimate debts.

d) The duties of one's vocation or office take precedence over purely personal and family duties, but only in so far as their non-observance would jeopardize the common good. Thus a priest must remain at his post in times of persecution or during an epidemic, but this duty does not bind when he is himself ill and a substitute can be had.

4 Cfr. Acts IV, 19; V, 29.—The Syllabus of Pius IX condemns the proposition (n. 42): *"In conflictu legum utriusque potestatis ius civile praevalet."* (Denzinger-Bannwart, n. 1742).

5 Cfr. Gen. XIX, 31 sqq.; XXVII, 6 sqq.

e) Certain duties take precedence over uncertain or doubtful duties.

2. With regard to the relative importance or value of the objects which laws are intended to promote, the salvation of the soul ranks higher than the welfare of the body.[6] Hence a man is not allowed to commit a sin (*e. g.*, to deny the faith) in order to save his life. Life and health are more important and more valuable than liberty, liberty comes before honor, and honor ranks above purely material goods. The duties connected with these objects are graded accordingly. Note, however, that, *in concreto,* the decision between conflicting duties depends largely on circumstances. A soldier engaged in war for the defense ot his country will often esteem honor higher than liberty, nay than life itself.

3. In regard to the social rank or standing of the persons to whom duties are owing, they may be grouped into classes according to family, religion,[7] nationality, etc. Inside the family group, the duties a person owes his blood relations take precedence over those he owes to relatives by marriage. Parents are more closely bound to their children than to their progenitors. *"Amor plus descendit quam ascendit."* Illness or debility, will, of course, modify this relation in not a few

6 Cfr. Matth. X, 28, 32–33, 37–39; XVI, 24–26.
7 Cfr. Gal. VI, 10.

instances. Again, a man's relation to his parents is closer than to his adult brothers or sisters, his relation to his sisters is closer than to his brothers, provided immaturity, disease, unemployment, or other circumstances do not change the regular order. In saying that man's duties towards those of his own faith or religion take precedence over the duties he owes to his nationality or country, we do not, of course, mean to intimate that important patriotic duties may be neglected in favor of an enemy who happens to be of the same faith.

These general rules will in most cases enable a sensible and practical man to decide a conflict of duties. Where doubts remain, a prudent Catholic will consult his confessor or a reliable author. Recourse should also be had to prayer. He who employs these means conscientiously will, as a rule, receive sufficient grace to enlighten his conscience. When it is impossible to decide which of two duties is the more urgent, or what course of action is fraught with least danger to the soul, one will do best to follow the ancient rule which Bishop Martin restates as follows: "If I am unable to decide which of two or more conflicting duties I am bound to fulfil, it suffices to choose the more probable one, and if probability is unattainable, I am free to use my own judgment. Even were I to make a mistake, I should not sin, for God will regard the intention rather than the act. 'Who,' asks St. Augustine,[8] 'sins in doing what he cannot possibly avoid?' "[9]

[8] *"Quis enim peccat in eo, quod nullo modo caveri potest?"—De Lib. Arbit.*, III, c. 18, n. 50 (Migne, *P.L.*, XXXII, 1295); cfr. the same writer's *Retractationes*, I, c. 9, n. 3 and 5 (*P. L.*, XXXII, 596 sq.).

[9] Bishop Conrad Martin, *Lehrbuch der kath. Moral*, 5th ed., p. 123.

Different systems have been devised with a view to obtaining greater certainty than can be gained by the application of this simple rule. But despite the acumen of their inventors, these systems have not brought a satisfactory solution. Bishop Linsenmann does not hesitate to say that all the systems thus far devised could be cut out of the body of Catholic Moral Theology without drawing one drop of blood.

Readings.—Th. Meyer, S.J., *Institutiones Iuris Naturalis*, Vol. I, 2nd ed., pp. 448 sqq.—A. A. Waibel, *Moraltheologie*, Vol. I, Ratisbon 1839, pp. 235 sq.—F. X. Linsenmann, *Lehrbuch der Moraltheologie*, Freiburg 1878, pp. 105 sqq.—J. E. Pruner, *Katholische Moraltheologie*, Vol. I, 3rd ed., p. 101.—G. Schulze, *Ueber den Widerstreit der Pflichten*, Halle 1878.

SECTION 3

PROBABILISM AND OTHER SYSTEMS OF MORALS

We now come to a consideration of the systems that have been devised for the purpose of insuring practical certainty in cases of speculative doubt, or, if we may express the same thought somewhat differently, to satisfy oneself whether an act, the morality of which is speculatively uncertain, is practically allowed or forbidden.

1. STATE OF THE QUESTION.—In all cases where a definite decision has to be made under conditions which do not admit of full certainty regarding the existence of a law or obligation, a man may act safely with what is called a probable conscience (*conscientia probabilis*). Such doubtful cases owe their existence to the fact that law cannot regulate the actions of men in every detail, nor adequately express the will of the lawgiver, and hence a sphere is left open in which man may use his own judgment.

In every "case of conscience" there are two opposing opinions: one in favor of the law (*opinio pro lege*),

the other in favor of liberty (*opinio pro libertate*). Neither is certain, but both are more or less probable (*probabiles*). Note that the discussion of such cases by Catholic moralists never turns on the question, which is the more perfect course to pursue? but merely, what is licit or not? In other words, in trying to solve so-called cases of conscience, theologians do not ask: "Which of the two actions is the more perfect?" but "Which of the two is one obliged to perform under pain of sin?" For example: I am uncertain whether or not to-day is a day of fasting. I have reasons for thinking that it *is*. But these reasons are merely probable. What am I to do if I cannot obtain reliable information? Am I obliged to fast? Or may I, on the strength of the reasons I have for thinking it is not a fast-day, absolve myself from the duty of keeping the fast? The question at issue is plainly one of licitness, not of greater perfection, for no one disputes that to fast would be the more perfect act.

2. General Principle.—Aside from Laxism, it is a general principle that in case of doubt the *pars tutior* must be chosen, *i. e.*, that course of action must be followed which most effectively excludes the danger of sin. Abstractly and objectively considered, the opinion in favor of the law (*opinio pro lege*) is the safer (*opinio tutior scil. a periculo peccandi*) for the reason that by following it one can best avoid the risk of sin. That the *pars tutior* must be followed in all cases is the teaching of Rigorism. The so called Probabilistic systems, on the contrary, contend that the *opinio pro lege* does not always furnish moral

certainty, that such certainty may also be afforded by the *opinio pro libertate,* and that in case of doubt one may consequently, for good reasons (*probabilitas*), safely follow the latter.

The controversy thus narrows itself down to the question which of the two opposing opinions,—that favoring the law or that favoring liberty,—is safer to follow in case of doubt.

3. THE FUNDAMENTAL SUPPOSITION.—Man is not permitted to act upon a mere opinion, but when direct certitude is unattainable, should try to reach reflex certitude, based upon earnest consideration and careful comparison. The conscience or dictate of conscience based upon such an opinion is called *probabilis.* The relation of the different conflicting opinions is determined according to the degrees of intrinsic or extrinsic probability which each can claim.

The difference between intrinsic and extrinsic probability is that intrinsic probability rests upon reasons contained within the opinion itself, whereas extrinsic probability is based on authority.

A probable opinion (*opinio probabilis*) may be based either on intrinsic or extrinsic grounds, provided these are good and solid.

If two contrary opinions have the same degree of probability they are called *aequiprobabiles.*

A more probable opinion (*opinio probabilior*) is one that rests on weightier reasons than its opposite, which

in that case is still probable, but less so (*minus probabilis,* or simply *probabilis*).

When a probable opinion rests on such solid grounds that it is almost a certainty, it is called most probable (*probabilissima*). Its opposite can not, of course, be solidly probable, but, in the language of the schools, may be *parum vel tenuiter probabilis.*

From what we have said it follows that the probability of an opinion is measured by the weight of the intrinsic and extrinsic arguments on which it rests. The authority which creates extrinsic probability is that of theological experts or confessors.

4. THE SCOPE OF PROBABILISM.—Though, as we have seen, the claims of liberty may in all cases be asserted against those of the law, the sphere of liberty in Moral Theology is nevertheless greatly restricted, for the reason that the safer side (*pars tutior*) must always be chosen where it is absolutely necessary to attain a definite end, and where following an *opinio probabilis* or even *probabilior* would involve danger of frustration.[1] This is the case whenever faith or religion are involved, especially in the administration of the Sacraments,[2] in medical and surgi-

1 Cfr. J. P. Gury, *Compendium Theologiae Moralis,* Lyons and Paris, 1850, Vol. I, n. 55–56: "*Non licet sequi opinionem probabilem nec probabiliorem relictâ tutiore, quoties adest obligatio absoluta alicuius finis determinati obtinendi, quem usus medii probabiliter inepti in periculum adduceret; tunc igitur pars tutior est sequenda.*"

2 Cfr. Gury, *op. cit.,* Vol I, n. 57, 1 and 4: "*In iis, quae saluti necessaria sunt necessitate medii, tutius sectari cogeris; tantus enim finis prae caeteris absolutâ prorsus necessitate procurandus est, et proinde media absolute tuta et certa sunt adhibenda. In rebus igitur ad finem seu ad veram religionem pertinentibus probabilitate reiectâ opinio tutior neces-*

cal prescriptions, and when there is an obligation to protect the interests of one's fellowmen.[3]

Hence Probabilism may be applied only when there is question of the mere morality, *i. e.*, the licitness or illicitness, of an act or omission (*sola actionis honestas*). In all other cases the *pars tutior* must be chosen. This is no argument in favor of Tutiorism, however, nor an exception to the general rule of Probabilism, because in such cases there is always present a direct speculative certitude, whereas Probabilism was expressly devised for cases in which no speculative certitude can be attained.

5. Absolute Tutiorism or Rigorism.—Absolute Tutiorism or Rigorism (*tutiorismus absolutus sive rigidus*) is based on the principle that the opinion which favors the law must be followed

sario sequenda est. Hinc ab Innocentio XI. damnata est sequens propositio sub n. 4: 'Ab infidelitate excusabitur infidelis non credens, ductus opinione minus probabili.' [See Denzinger-Bannwart, n. 1154]. *Immo in tali casu ne probabiliori quidem opinione, tutiori posthabitâ, uti liceret. Minister sacramenti, ubi de eius valore agitur, nisi defectus suppleatur vel urgeat casus necessitatis, tenetur sequi tutiorem partem inquantum moraliter potest, relictâ minus tutâ probabili vel etiam probabiliori, quia aliter exponeret sacramentum periculo nullitatis et proximum periculo damni spiritualis. Hinc merito damnata est sequens propositio ab Innocentio XI. sub n. 1: 'Non est illicitum in sacramentis conferendis sequi opinionem probabilem de valore sacramenti, relictâ tutiore.'*" (Denzinger-Bannwart, n. 1151).

3 Gury, *op. cit.*, Vol. I, n. 57, 2–3: "*Venator timens ne plumbum in feram eiaculando aliquem hominem forte laedat, emittere non potest, etiamsi probabilius existimaret abesse periculum, nam si forte illud adsit, probabilitate contrariâ, etiam maiori, removeri non potest. Medicus et chirurgus tenentur ad medicamenta et media tutiora, quae hic et nunc haberi possunt, adhibenda, quia tacito contractu ad finem obtinendum, inquantum fieri potest, se obligarunt. Idem pariter dicendum de omnibus aliis, qui erga proximum obligationem contraxerunt.*"—Cfr. the *Propositiones Damnat. sub Innocentio XI.*, n. 2: "*Probabiliter existimo, iudicem posse iudicare iuxta opinionem etiam minus probabilem.*" (Denzinger-Bannwart, n. 1152).

always, and that it is never lawful to follow a probable opinion, even though it be *probabilissima*, in favor of liberty.[4] This system is untenable because it misconceives the problem at issue,[5] and has been formally condemned by the Church.[6]

In order to escape ecclesiastical condemnation a certain school of Rigorist theologians modified the fundamental tenet of Tutiorism by saying that one may decide in favor of liberty only if the opinion favoring that side is most probable (*probabilissima*). This system does not differ substantially from absolute Tutiorism and is useless for the solution of difficult cases of conscience. Its principal representatives are the Jansenists M. Steyaert (+ 1701) and J. Obstraet (+ 1720), Henry a Sancto Ignatio (+ 1719), and Cardinal H. S. Gerdil (+ 1802).[7]

6. LAX PROBABILISM OR LAXISM (*probabilismus absolutus sive excessivus*).—This system maintains that the opinion which favors liberty may be followed always, even when it enjoys but a slight or doubtful degree of probability (*tenuiter vel dubie*). The Church rejects Laxism for the reason that this system is incompatible with the dignity of the moral law.[8]

4 Tutiorism was adopted by the Jansenists. Its foremost defender was the Irish theologian Joan Sinnichius (+ 1666).

5 Cfr. 1 Macc. II, 31 sqq.; IX, 44; 2 Macc. V, 25; VI, 11; Matth. XXIV, 20.

6 See the *Prop. damn. ab Alexandro VIII.* (Dec. 7, 1690), n. 3: "*Non licet sequi opinionem vel inter probabiles probabilissimam.*" (Denzinger-Bannwart, n. 1293).

7 A sketch of Card. Gerdil's life will be found in the *Cath. Encyclopedia*, Vol. VI, p. 471.

8 Cfr. the *Prop. Damnat. sub In-*

Excessively lax propositions were taught by J. Sanchez (+ about 1620),[9] F. Amicus, S.J. (+ 1651),[10] St. Bauny, S.J. (+ 1649),[11] Thos. Tamburini, S.J. (+ 1675),[12] J. Caramuel, Ord. Cist. (+ 1682),[13] J. Cardenas, S.J. (+ 1684),[14] A. Diana, Ord. Theat. (+ 1663),[15] Z. Pasqualigo, Ord. Theat. (+ 1664),[16] A. Escobar y Mendoza, S.J. (+ 1669),[17] M. de Moya, S.J. (+ 1684),[18] and others.

7. PROBABILIORISM.—This theory contends that if a man is in doubt regarding the existence of a law, he must nevertheless obey the same and may follow the opinion in favor of liberty only if that opinion is certainly more probable (*certe probabilior*) than its opposite. Hence the axiom, *"In dubio stricto seu aequali pars tutior sequenda est," i. e.*, as long as the conscience is strictly in

nocentio XI., n. 3: *"Generatim dum probabilitate sive intrinsecâ sive extrinsecâ, quantumvis tenui, modo a probabilitatis finibus non exeatur, confisi aliquid agimus, semper prudenter agimus."* (Denzinger-Bannwart, n. 1153).

9 John Sanchez must not be confounded with Thomas Sanchez, S.J. (+ 1610). Cfr. Hurter, *Nomenclator Lit. Theol. Cath.*, Vol. III, 3rd ed., pp. 592, 893.

10 See the *Catholic Encyclopedia*, Vol. I, p. 429.

11 *V. supra*, p. 63.

12 On Tamburini see the *Cath. Encyclopedia*, Vol. XIV, p. 441.

13 *Ibid.*, Vol. III, pp. 329 sq.

14 *Ibid.*, Vol. III, pp. 332 sq.

15 *Ibid.*, Vol. IV, p. 773.

16 Hurter, *Nomenclator Lit. Theol. Cath.*, Vol. IV, 3rd ed., col. 298 sqq.

17 *V. supra*, p. 62.

18 Father Matthew de Moya was professor of Moral Theology in Murcia, Alcalà, and Madrid. Under the *nom de plume* "Amadaeus Guimenius" he wrote a book entitled *Adversus Quorundam Expostulationes contra Nonnullas Jesuitarum Opiniones Morales* (Palermo 1657), in which he showed that the lax doctrines attributed to the Jesuits in a libelous pamphlet, *Teatro Jesuitico, Apologetico Discurso con Saludables y Seguras Doctrinas Necessarias a los Principes y Señores de la Tierra*, by Francisco de la Piedad (also a pseudonym), were taught long before by other writers. Both the *Teatro* and Moya's reply were put on the Index, where they remain even after the Leonine revision.

doubt, that is to say, while it suspends judgment without inclining either way, the law must be obeyed.

This principle is theoretically incontrovertible but useless for practical purposes, and therefore no longer has any followers. While all Catholic moralists admit that a man may safely follow Probabiliorism, most of them maintain that this system is of no value in the solving of doubtful cases precisely for the reason that in such cases no *opinio probabilior* is attainable. In practice Probabiliorism leads to Tutiorism, and "solves" only those cases of conscience which in reality are no "cases" at all, because the greater probability in favor of one side or the other can be easily perceived.

The most eminent defenders of this system are: Cardinal Cajetan (+ 1534),[19] Alexander Natalis (+ 1724),[20] Vincent Baronius (+ 1674),[21] C. R. Billuart (+ 1757),[22] D. Concina (+ 1756),[23] V. Contenson (+ 1674),[24] P. M. Gazzaniga (+ 1799),[25] J. B. Gonet (+ 1681),[26] J. V. Patuzzi (+ 1769),[27]—all Dominicans—and the Jesuits Thyrsus González de Santalla (+ 1705),[28] M. de Elizalde

19 On Cardinal Cajetan (Tommaso de Vio Gaetani) see the *Cath. Encyclopedia*, Vol. III, pp. 145 sqq.

20 On Alexander Natalis (Noël Alexandre), *ibid.*, Vol. I, pp. 296 sq.

21 Not to be confounded with the famous Jesuit Cardinal Cesare Baronius. Brief sketches of both in the *Catholic Encyclopedia*, Vol. II, pp. 304 sq.

22 *V. supra*, p. 57.

23 *V. supra*, p. 60.

24 *V. Cath. Encycl.*, IV, 330.

25 *V. Cath. Encyclopedia*, Vol. VI, p. 401.

26 *V. supra*, p. 60.

27 *V. supra*, p. 60.

28 Gonzáles was the thirteenth general of the Society of Jesus, and while holding that office, published

(+ 1678),[29] P. G. Antoine (+ 1743),[30] and P. Collet (+ 1770).[31]

8. Simple or Common Probabilism (*probabilismus simplex sive benignus, communis sive latus*).—This system teaches that whenever there is doubt concerning the mere lawfulness or unlawfulness of an act, it is permissible to follow a solidly probable opinion in favor of liberty, even though the opposing view be more probable (*probabilior*). But why may a more probable opinion be relinquished in favor of a less probable one? To this Probabilism answers as follows: If the opinion favoring liberty is truly and solidly probable (*vere et solide probabilis*), it must be because the law is doubtful or insufficiently promulgated (*lex dubia aut non sufficienter promulgata*). Now a doubtful law is not binding (*lex dubia non obligat*), and therefore one is at liberty.

But this statement of the Probabilist posi-

his famous *Fundamentum Theologiae Moralis, i. e. Tractatus Theologicus de Recto Usu Opinionum* (Rome 1694). It is reproduced in Migne's *Cursus Theologiae,* Vol. XI.—Cfr. J. Salsmans, S.J., in the *Catholic Encyclopedia,* Vol. VI, pp. 635 sq.; Döllinger-Reusch, *Geschichte der Moralstreitigkeiten in der römisch-kath. Kirche,* Nördlingen 1889, Vol. I, pp. 120 sqq.—For an account of the controversies that raged about the decree of Innocent XI on Probabilism see J. Brucker S.J., in the Paris *Etudes Religieuses,* 1901–02, and F. Ter Haar, *Das Decret Innocens XI. über den Probabilismus,* Paderborn 1904.—Latin text of the decree given by the latter, pp. 29 sqq. and by Lehmkuhl, *Prob. Vind.,* pp. 81 sqq. For an English translation see p. 230, note 40, *infra.*

29 *V.* Hurter, *Nomenclator Lit. Theol. Cath.,* Vol. IV, 3rd ed., col. 286 sq.

30 *V. supra,* p. 58.

31 Cfr. Buchberger, *Kirchl. Handlexikon,* I, 964.

tion does not remove the logical and moral objection that Probabilism permits men to follow a less probable opinion (*sententia minus probabilis sic cognita et iudicata*) even though its opposite is perceived to be more probable.

"The wise practicians who established the moral system of the Jesuits," says a Protestant ethicist, "correctly perceived that probability plays a part in moral conduct, and that to reject Probabilism absolutely, would betray a hasty judgment. Were man permitted to follow the axiom, *'Quod dubitas, ne feceris,'* and to act only when he knows for certain and without doubt that he is right, he would frequently be unable to act at all; nor would abstention from action help him out of the difficulty, for the mere omission of an act also entails consequences and is equivalent to a definite decision of the will, which may be either right or wrong That a certain mode of procedure is absolutely right in all circumstances, and its opposite absolutely wrong, can be asserted only from the standpoint of an omniscient intelligence. Man is a short-sighted creature and can act only if he has the courage to make a wrong move and to do something which may prove objectively wrong, and which he would not do were he better informed. Nevertheless, his conscience absolves him from guilt if he has acted to the best of his knowledge and understanding in accordance with the most probable opinion. The only thing we reject in the teaching of the Jesuits is that they base probability preferably on authority and allow a man to follow an opinion which he himself must admit to be less probable." [32]

32 Ch. Sigwart, *Vorfragen der Ethik*, 2nd ed., Tübingen 1907, pp. 40 sq.—Cfr. Mandonnet, *Le Décret d'Innocent XI. contre le Probabilisme*, Paris 1903, pp. 79 sqq., 99 sqq.

"There can be no doubt," says St. Alphonsus, "that the Tutiorists in their excessive rigorism do much damage; but on the other hand the Probabilists, who follow an opinion which they recognize as less probable (but which I no longer regard as probable because the law in its moral sense is sufficiently promulgated), are also to blame for the loss of many souls." [33]

Neither the Fathers nor the early Schoolmen give any general rule for determining moral obligation in doubtful cases. But from the way in which they decided controversies it is evident that they were guided by the principle that a doubtful law does not bind. Thus St. Gregory of Nazianzus addressed the following challenge to a Novatian writer who had denounced second marriage as illicit: "Either prove that you are right, or if you are unable to bring proof, do not pass judgment. If the matter is in doubt, let humanity and convenience prevail." [34]

The first theologian who reduced Probabilism to a formula and attempted to demonstrate it systematically was Bartholomew de Medina, O. P. (+ 1581). In his commentaries on the Second and Third Parts of the *Summa* of St. Thomas, this learned writer, who is usually called "the Father of Probabilism," defends the proposition: "We are permitted to follow a probable opinion even if its opposite is more probable." [35] This thesis was

33 *Letters,* III, 355.

34 *Orat.,* 39, n. 19 (Migne, P.G., XXXVI, 358): *"Aut rem ita se habere proba, aut, si id nequis, ne condemnes. Quodsi res est dubia, vincat humanitas et facilitas."*—Cfr. Chr. Lupus, *Dissertatio de Antiquitate, Auctoritate et Legitimo Usu Sententiae Probabilis* (*Opera Omnia,* Venice 1729, Vol. XI, pp. 1 sqq.).

35 *"Si est opinio probabilis, licitum est eam sequi, licet opposita probabilior sit."* (*Expositio s. Scholastica Commentaria in D. Thomae S. Theol.,* 1a 2ae, qu. 19, art. 6, Salamanca 1577. For a sketch of B. de Medina's life see D. J. Kennedy, O. P., in the *Catholic Encyclopedia,* Vol. X, pp. 143 sq. Modern writers are divided as to Medina's teaching on Probabilism. Echard (followed by Billuart) maintains that Medina's

favorably received by the majority of Catholic moralists and met with no *ex professo* opposition until Father Andrew Bianchi, S.J., attacked it in his treatise *De Opinionum Praxi Disputatio,* published at Genoa in 1642.[86]

The bitterest opponents of simple Probabilism were the Jansenists, especially Blaise Pascal, who, in his famous *Lettres à un Provincial* (1656), attacked Probabilism with vigor and grace of style. The result was that many theologians adopted Probabiliorism. In the ensuing conflict, which lasted nearly two centuries, Probabilism received its hardest blows from the Dominicans. Alexander VII (1665), Innocent XI (1679), and Alexander VIII (1690) censured a series of propositions which were mostly taken from the writings of Probabilistic authors.[87] At the instance of the last-mentioned Pope, a general chapter of the Dominicans, held at Rome in 1656, advised all members of that Order to espouse Probabiliorism.[88] Father Thyrsus González, General of the Jesuits, tried to banish Probabilism from the Society by publishing an anti-Probabilistic work, *Fundamentum Theologiae Mor-*

system differed greatly from Probabilism as expounded by its later defenders. H. Hurter, S.J., says of him: "*Inter principes theologiae scholasticae moralisque cultores sui aevi est habitus et exinde quoque celebritatem quandam est nactus, probabilismi systemati praelusisse dicitur.*" (*Nomenclator Literarius Theologiae Catholicae,* Vol. III, 3rd ed., Innsbruck 1907, col. 144). Cfr. Döllinger-Reusch, *Geschichte der Moralstreitigkeiten,* Vol. I, pp. 28 sqq.; Ter Haar, *De Systemate Mor.,* pp. 17 sqq.; A. Schmitt, *Zur Geschichte des Probabilismus,* Innsbruck 1904, pp. 43 sqq.

86 Andrea Bianchi, S.J., is perhaps better known by his Latin name, Blancus. He died at Genoa, March 29, 1657. His treatise *De Opinionum Praxi Disputatio* was published under the pseudonym "Candidus Philalethes." It is Tutioristic in tendency.—Cfr. Döllinger-Reusch, *Geschichte der Moralstreitigkeiten,* Vol. I, pp. 31 sqq., 51 sqq.; Ter Haar, *De Syst. Mor.,* pp. 18 sqq.

87 For a list of these condemned propositions see Denzinger-Bannwart, n. 1101, 1151, 1289, 1291; A. Rohling, *Medulla Theol. Mor.,* pp. 479 sqq., St. Louis 1875.

88 Cfr. Döllinger-Reusch, *Geschichte der Moralstreitigkeiten,* Vol. I, pp. 42 sqq.

alis.[39] The so-called decree of Innocent XI, of June 26, 1680 (which in reality was merely a protocol of the Holy Office), strongly approved of his action.[40]

The present status of Probabilism may be described as follows: It has never been either officially approved or officially censured by the Church, but was and is tolerated [41] and upheld by the majority of Jesuit theologians, though it is not the official teaching of the Society.[42]

Lately J. de Caigny, C.SS.R., published several books [43]

39 *V. supra,* p. 225, n. 10.—Cfr. A. Lehmkuhl, S.J., *Prob. Vind.,* pp. 83 sqq.; A. Koch, "*Neue Dokumente zu dem Thyrsus Gonzalez'-Streit,*" in the *Theol. Quartalschrift* of Tübingen, 1905, pp. 95 sqq.

40 Cfr. Mandonnet, *Décret d'Innocent XI.,* pp. 73 sqq.; Ter Haar, *Das Dekret Innozenz' XI.,* pp. 29 sqq.; G. Arendt, S.J., *De Conciliationis Tentamine nuper Iterato Aequiprobabilistas inter et Probabilistas,* Rome 1902 (cfr. the *Civiltà Cattolica,* 1902, quad. 1253, pp. 574 sqq.). The "decree," the authentic text of which was published Apr. 19, 1902, by the Secretary of the Holy Office, reads: "A report having been made by Father Laurea of a letter directed by Father Thyrsus González, S.J., to Our Most Holy Lord; the Most Eminent Lords said that the Secretary of State must write to the Apostolic nuncio of the Spains [directing him] to signify to the said Father Thyrsus that His Holiness, having received his letter favorably, and having read it with approval, has commanded that he [Thyrsus] shall freely and fearlessly preach, teach, and defend with his pen the more probable opinion, and also manfully attack the opinion of those who assert that in a conflict of a less probable opinion with a more probable, known and estimated as such, it is allowed to follow the less probable; and to inform him that whatever he does and writes on behalf of the more probable opinion will be pleasing to His Holiness. Let it be enjoined upon the Father General of the Society of Jesus, as by order (*de ordine*) of His Holiness, not only to permit the Fathers of the Society to write in favor of the more probable opinion and to attack the opinion of those who assert that in a conflict of a less probable opinion with a more probable, known and estimated as such, it is allowed to follow the less probable; but also to write to all the universities of the Society, [informing them] that it is the mind of His Holiness that whosoever chooses may freely write in favor of the more probable opinion, and may attack the aforesaid contrary [opinion]; and to order them to submit entirely to the command of His Holiness." (Cfr. J. M. Harty in the *Cath. Encyclopedia,* Vol. XII, p. 445).

41 Cfr. Ter Haar, *Das Decret Innocenz XI.,* pp. 177 sqq.

42 For some of the leading arguments for and against Probabilism see J. M. Harty in the *Cath. Encyclopedia,* Vol. XII, pp. 444 sq.

43 *Apologetica,* etc. (see p. 235, *infra*); *De Gemino Probabilismo Licito Dissertatio Exarata Concilia-*

for the purpose of reconciling Probabilism with Æquiprobabilism. His arguments were met by G. Arendt, S.J.[44]

9. ÆQUIPROBABILISM (*probabilismus moderatus*).—Æquiprobabilism takes middle ground between Probabiliorism and simple Probabilism. It teaches that unless the opinions for and against the existence of a law have equal or nearly equal probability, it is not permissible to choose in favor of liberty. The leading principle of this system, which it shares with Probabiliorism, is this: "*In obscuris pars certe verisimilior seu pars probabilior sic cognita et iudicata pro lege sequenda est.*" However, if the opinions for and against the existence of a law have equal or nearly equal probability, and there is consequently a state of real doubt, it is permissible to follow the less safe opinion. Hence the axiom, "*Lex stricte dubia non obligat.*" In other words, when there is doubt as to the *existence* of a law, liberty is in possession. When there is doubt in regard to the *cessation* of a law, the law remains in possession. Consequently, whereas simple Probabilism

tionis Gratia; De Genuino Morali Systemate S. Alphonsi Dissertatio Irenico-Critica.

44 *Apologeticae de Aequiprobabilismo Alphonsiano Historico-Philosophicae Dissertationis a R. P. J. Caigny, C.SS.R., Exaratae Crisis iuxta Principia Angelici Doctoris Instituta.* Freiburg i. B. (Herder).—Fr. Lehmkuhl says towards the conclusion of his little book, *Probabilismus Vindicatus* (p. 126): "*Quod saepius dixi, nunc repeto, me inter moderatum sive aequiprobabilismum sive probabilismum discrimen theoreticum exiguum, practicum aut nullum aut vix ullum agnoscere.*"

teaches that a man may always follow the opinion favoring liberty, if that opinion is based on good and solid grounds (*opinio vere ac solide probabilis*), even though he knows that the opposite opinion is more probable, Æquiprobabilism maintains that the less safe opinion may be followed only when it is quite or nearly as probable (*aeque aut fere aeque probabilis*) as its opposite, and only when there is question of an obligation *arising*, not *ceasing*.

Æquiprobabilism is regarded by some as an advance over simple Probabilism, in so far as it sets up a practical instead of a purely logical probability.[45]

The extrinsic reasons in favor of Æquiprobabilism are summed up by Archbishop Simar as follows: "This theory is the fruit of long scientific debates and has in its favor the presumption that, by dint of logical development, it is the golden mean between the two conflicting extremes of absolute Probabilism and Tutiorism. The followers of St. Alphonsus may point to the official declaration of the Church that, unlike Tutiorism and several forms of Probabilism, his teaching has never been censured. To these advantages must be added the great personal authority of the Saint, which deserves to be the more

45 Cfr. St. Alphonsus, *Theol. Mor.*, I, n. 58: *"Ad licite operandum sola non sufficit probabilitas, sed requiritur moralis certitudo de honestate actionis."*—Cfr. *op. cit.*, I, n. 54: *"Si opinio, quae stat pro lege, videatur certe probabilior, ipsam omnino sectari tenemur nec possumus tunc oppositam, quae stat pro libertate, amplecti. Ratio quia ad licite operandum debemus in rebus dubiis veritatem inquirere et sequi; at ubi veritas clare inveniri nequit, tenemur amplecti saltem opinionem illam, quae propius ad veritatem accedit, qualis est opinio probabilior."* (Ed. Gaudé, I, 25).—Cfr. Ter Haar, *Das Decret Innocenz' XI.*, pp. 8 sqq.

highly regarded because the problem in question was for him a vital one, which he investigated with the utmost conscientiousness and zeal, and also for the further reason that the conviction at which he finally arrived has stood the test of pastoral experience and triumphantly resisted innumerable attacks." [46]

The most prominent representatives of Æquiprobabilism are the Jesuits Christopher Rassler (+ about 1730) and Antony Mayr (+ 1749), Eusebius Amort of the Canons Regular of St. Augustine (+ 1775),[47] St. Alphonsus de' Liguori, founder of the Redemptorist Order,[48] Bishop Martin of Paderborn, Archbishop Simar of Cologne, and the moral theologians of the Congregation of the Most Holy Redeemer.

46 Th. H. Simar, *Lehrbuch der Moraltheologie*, 3rd ed., p. 143.—The translator of this work thinks it but fair to note, however, that Lehmkuhl and others hold that St. Alphonsus never held Aequiprobabilistic principles. Lehmkuhl (*Theol. Mor.*, ed. 11a, Vol. I, p. 118) illustrates the difference between the Saint's teaching and that of the Aequiprobabilists as follows: Aequiprobabilismus *dicit: In sola probabilitate legis existentis obligatio non existit. In sola probabilitate legis cessantis obligatio non cessavit.* St. Alphonsus *dicit: In sola probabilitate legis existentis obligatio non existit; In sola probabilitate legis cessantis obligatio cessavit.*—For an able defense of the Probabilist position see the same author's *Probabilismus Vindicatus*, Freiburg 1906.

47 Cfr. Ter Haar, *De Systemate Mor.*, pp. 20 sqq., 52 sqq.—On Amort, see the *Cath. Encyclopedia*, Vol. I, pp. 434 sq. He was one of the foremost theologians of the 18th century. "St. Alphonsus Liguori admired his theological prudence, and Gury calls him a '*probabilista moderatus doctrinâ et sapientiâ clarus;*' others (*e. g.* Toussaint) accuse him of an inclination to Rigorism in practice." (Thos. J. Shahan, *Cath. Encycl.*, Vol. I, p. 434).

48 Æquiprobabilism "gained vigor and persistence from the teaching of St. Alphonsus, who began his theological career as a Probabiliorist, subsequently defended Probabilism, . . . and finally, about 1762, embraced Æquiprobabilism. In a new dissertation he laid down the two propositions that it is lawful to act on the less safe opinion, when it is equally probable with the safe opinion, and that it is not lawful to follow the less safe opinion when the safe opinion is notably and certainly more probable. In the sixth edition (1767) of his 'Moral Theology' he again expressed these views, and indeed towards the end of his life frequently declared that he was not a Probabilist." (J. M. Harty in the *Cath. Encyclopedia*, Vol. XII, pp. 442 sq.; Idem in the *Irish Theol. Quarterly*, Vol. VI, No. 24).—Cfr.

It is unjust to charge that Probabilism and the allied systems permit man to act on the strength of a mere opinion and thus dispense him from the duty of regulating his life in accordance with the dictates of conscience, which must be the highest rule and measure of all morality. Probabilism, Probabiliorism, and Æquiprobabilism were all devised for the express purpose of enabling man to follow the voice of conscience in doubtful cases.[49] So far from undermining morality, these systems, as a whole, deserve great credit for having safeguarded the important principle of liberty against the attacks and snares of the Jansenists, Rigorists, and Talmudists.

Readings.—On the moral systems in general: K. Werner, *System der Ethik,* Vol. I, pp. 430 sqq.—W. Wilmers, S.J., *Lehrbuch der Religion* (ed. Lehmkuhl), 6th ed., pp. 537 sqq.—F. X. Linsenmann, *Lehrbuch der Moraltheologie,* pp. 114 sqq.—F. A. Göpfert, *Moraltheologie,* Vol. I, 6th ed., pp. 168 sqq.—Thos. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 68 sqq.—J. M. Harty in the *Catholic Encyclopedia,* Vol. XII, pp. 441 sqq.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 478 sq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, Tournai 1905, pp. 213 sqq.—C. Gaudé, C.SS.R., *De Morali Systemate S. Alphonsi,* Rome 1894.

On Probabilism: F. Ter Haar, *De Systemate Morali Antiquorum Probabilistarum Dissertatio Historico-Critica,* Paderborn 1894, pp. 77 sqq.—P. F. Mandonnet, O.P., *Le Décret d'Innocent XI. contre le Probabilisme,* Paris 1903, pp. 99 sqq.—A. Lehmkuhl, S.J., *Probabilismus Vindicatus,* Freiburg 1906, pp. 16 sqq.—L. Wouters, C.SS.R., *De Minusprobabilismo,* Amsterdam, 2nd ed.,

A. Koch in the *Theol. Quartalschrift,* Tübingen 1897, pp. 109 sqq.

49 Cfr. Joseph Mausbach, *Catholic Moral Teaching and its Antagonists,* pp. 69 sqq.; A. Meyenberg, *Die kath. Moral,* 2nd ed., pp. 161 sqq.; Ter Haar, *Ven. Innoc. XI. de Probabilismo Decreti Historia,* Rome 1904, pp. 126 sqq.

1908, pp. 17 sqq.—J. L. Jansen, *Geschichte und Kritik im Dienste der "Minus probabilis,"* Paderborn 1906, pp. 14 sqq.—F. Mentré, *Courot et la Renaissance du Probabilisme au XIXe Siècle,* Paris 1908.—Chr. Lupus, *Dissertatio de Antiquitate, Auctoritate et Legitimo Usu Sententiae Probabilis* (*Opera Omnia,* XI, Venice 1729).—Dinneen, *De Probabilismo Dissertatio,* Dublin 1898.—J. M. Harty in the *Catholic Encyclopedia,* Vol. XII, pp. 443 sqq.—Jos. Rickaby, *Moral Philosophy,* pp. 152 sqq.

On Probabiliorism: Thyrsus González, *Fundamentum Theologiae Moralis, i. e. Tractatus Theologicus de Recto Usu Opinionum,* Rome 1694.—J. M. Harty in the *Catholic Encyclopedia,* Vol. XII, pp. 442 sq.—J. Biederlack, S.J., in the Innsbruck *Zeitschrift für kath. Theologie,* 1890, pp. 186 sqq.—L. Wedff, *"S. Alphonse est-il Probabilioriste?"* in the *Revue Thomiste,* Paris 1904, pp. 129 sqq., 477 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, pp. 220 sqq.

On Æquiprobabilism: *Vindiciae Alphonsianae seu Doctoris Ecclesiae S. Alphonsi de Ligorio Doctrina Moralis Vindicata a Plurimis Oppugnatoribus A. P. Ballerini cura et studio quorundam Theologorum e Congregatione SS. Redemptoris,* 2 vols., 2nd ed., Bruxelles 1874.—J. De Caigny, C.SS.R., *Apologetica de Æquiprobabilismo Alphonsiano,* Tournai 1894.—G. Arendt, S.J., *Apologeticae de Æquiprobabilismo Alphonsiano Historico-Philosophicae Dissertationis a R. P. J. de Caigny Exaratae Crisis iuxta Principia Angelici Doctoris,* Freiburg 1897, pp. 65 sqq.—IDEM, *Æquiprobabilismus ab Ultimo Fundamento Discussus,* Rome 1909.—*Vindiciae Ballerinianae seu Gustus Recognitionis Vindiciarum Alphonsianarum. Insunt Dissertationes Ballerini de Systemate S. Alphonsi et Altera Dissertatio de Probabilismo et Æquiprobabilismo eiusdem,* Bruges 1873.—A. Ballerini, S.J., *Opus Theologiae Moralis* (ed. Palmieri), Vol. I, 3rd ed., pp. 606 sqq.—Le Bachelet, *La Question Ligorienne,* Paris 1899, pp. 25 sqq.—J. M. Harty in the *Catholic Encyclopedia,* Vol. XII, p. 445.—Berthe-Castle, C.SS.R., *Life of St. Alphonsus de' Liguori,* Dublin 1905.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, pp. 223 sqq.—Sabetti-Barrett, S.J., *Compendium Theologiae Moralis,* 22nd ed., New York 1915, pp. 59 sqq.

SECTION 4

THE EVANGELICAL COUNSELS

I. Thesis.—Besides those precepts which must be observed by all under pain of sin, there are others which are intended rather as counsels for those who wish to do more than the minimum and to attain Christian perfection, so far as this is attainable on earth. These Counsels (*consilia evangelica*) are: voluntary poverty (*paupertas voluntaria*), perpetual chastity (*continentia, castitas sive virginitas perpetua*), and voluntary obedience to a spiritual superior (*obedientia voluntaria*).[1]

All men without exception are bound to strive after perfection, but not in the same way or by the same means.[2] The so-called Evangelical Coun-

1 Cfr. Matth. XIX, 12, 21; XVI, 24; Luke IX, 33.

2 Cfr. Matth. V, 48; XIX, 12.—St. Thomas, *Summa Theol.*, 2a 2ae, qu. 184, art. 3: *"Per se quidem et essentialiter consistit perfectio christianae vitae in caritate, principaliter quidem secundum dilectionem Dei, secundario autem secundum dilectionem proximi, de quibus dantur praecepta principalia divinae legis. . . . Secundario autem et instrumentaliter perfectio consistit in consiliis, quae omnia sicut et praecepta ordinantur ad caritatem, sed aliter et aliter. Nam praecepta alia a praeceptis caritatis ordinantur ad removendum ea, quae sunt caritati contraria, cum quibus scilicet caritas esse non potest; consilia autem ordinantur ad removendum impedimenta actûs caritatis, quae tamen caritati non contrariantur, sicut est matrimonium, occupatio negotiorum saecularium et alia huiusmodi."*

sels do not in themselves constitute perfection. They are merely surer and more effective means of attaining perfection (*instrumenta perfectionis*). Their superior efficacy arises from the fact that they aid powerfully in removing the obstacles which obstruct the way to Heaven.[3]

While all men have the same ultimate aim, their minor ideals differ according to the various offices and tasks assigned to each. The highest of these are represented by the Evangelical Counsels. How does a counsel differ from a commandment? A commandment is a matter of necessity, whereas a counsel is left to the free choice of the person to whom it is proposed, unless, indeed, it forms part of his vocational duties.[4]

3 St. Thomas, *Summa Theol.*, 2a 2ae, qu. 186, art. 7: "*Ad exercitium perfectionis requiritur, quod aliquis a se removeat illa, per quae posset impediri, ne totaliter eius affectus tendat in Deum, in quo consistit perfectio caritatis. Huiusmodi autem sunt tria: primum quidem cupiditas exteriorum bonorum, quae tollitur per votum paupertatis; secundum autem est concupiscentia sensibilium delectationum, inter quas praecellunt delectationes venereae, quae excluduntur per votum continentiae; tertium autem est inordinatio voluntatis humanae, quae excluditur per votum obedientiae.*"—*Ibid.*, qu. 189, art. 1, ad 5: "*Praeceptorum quaedam sunt principalia, quae sunt quasi fines praeceptorum et consiliorum, scilicet praecepta caritatis, ad quae consilia ordinantur, non ita, quod sine consiliis praecepta servari non possint, sed ut per consilia perfectius observentur.*"

4 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 108, art. 4: "*Haec est differentia inter consilium et praeceptum, quod praeceptum importat necessitatem, consilium autem in optione ponitur eius, cui datur; et ideo convenienter in lege nova, quae est lex libertatis, supra praecepta sunt addita consilia, non autem in veteri lege, quae erat lex servitutis. Oportet igitur, quod praecepta novae legis intelligantur esse data de his, quae sunt necessaria ad consequendum finem aeternae beatitudinis, in quem lex nova immediate introducit; consilia vero oportet esse de illis, per quae melius et expeditius potest homo consequi finem praedictum.*"—*Ibid.*, 2a 2ae, qu. 43, art. 7, ad 4:

The Catholic doctrine of the Evangelical Counsels did not reach its full development until after the Protestant Reformation; but its main ideas are rooted in the very substance of Christian morality and clearly expressed in both Scripture and Tradition.

II. Definition and Rationale.—The distinction between the precepts of the Gospel and the so-called Evangelical Counsels, or counsels of perfection, is as old as the Church. It has always been Catholic teaching, (1) that there are works of supererogation, *i. e.* good works not enjoined as a strict duty; (2) that these works are not merely good in opposition to bad, but better in opposition to good (*opera meliora*), and (3) that whereas a precept binds of necessity, a counsel is a matter of free choice.

1. Justification, as effected by Baptism or Penance, is a state of grace meriting eternal life. But grace is merely in an incipient stage; it can and should be increased by good works. In performing such, man may either content himself with what is of strict duty, or he may go beyond the province of duty and perform works of charity. His reward will be in exact proportion to his merits.

a) The distinction between precepts and counsels is distinctly Scriptural. When the

"Quandoque tamen consiliorum observatio . . . sunt de necessitate salutis, quod patet in his, qui iam voverunt consilia."

young man asked what he should do to gain eternal life, Christ bade him "keep the commandments," and when he pressed the inquiry further, saying, "All these I have kept from my youth, what is yet wanting to me?"—Jesus told him: "If thou wilt be perfect, go sell what thou hast, and give to the poor, and thou shalt have treasure in heaven, and come follow me." [5] Here we have a clear distinction drawn between obedience to the commandments, and poverty as a state of higher perfection; between eternal life as the reward of ordinary good conduct, and a treasure in heaven laid up for those who sacrifice everything to serve God. This distinction is brought out even more clearly by the remark of the attending disciples, "Behold we have left all things, and have followed thee, what therefore shall we have?" and the Master's promise of a special reward: "In the regeneration [*i. e.* at the last judgment], when the Son of man shall sit on the seat of his majesty, you also shall sit on twelve seats judging the twelve tribes of Israel." Jesus added: "And every one that hath left house, or brethren, or sisters, or father, or mother, or wife, or children, or lands for my name's sake, shall receive a hundredfold, and shall possess life everlasting." [6]

[5] Matth. XIX, 16 sqq.
[6] Matth. XIX, 16–30; Mark X, 17–31; Luke XVIII, 18–30.

St. Paul, in his First Epistle to the Corinthians, not only presses home the duty incumbent on all Christians of abstaining from sins of the flesh, but counsels perfect chastity on the ground that it is easier for the unmarried to serve God with an undivided heart.[7] A little further on in the same Epistle he clearly distinguishes between preaching the Gospel as a duty incumbent on him by virtue of his office, and the supererogatory good works (preaching without charge) for which he expects a special reward.[8]

b) The common sense of mankind has always discriminated between the conscientious performance of duty and heroic virtue, and awarded special honors to the latter.

"The difference between matters of duty and matters of counsel has a prominent place in the universal conception of morality. There are some actions which are required of all. There are others which are strictly speaking not demanded of anybody, but regarded as specially meritorious or heroic. If there existed only duties in the strict sense, *i. e.* positive and negative precepts, the notion of 'moral heroism' might as well be abolished, at least so far as it implies extraordinary self-sacrifice in the performance of duty and the idea of something exceptionally difficult assumed over and above mere duty. In saying this we do not admit Ziegler's charge that Catholics regard moral heroism as super-moral. To follow the Evangelical Counsels is to perform a good work of su-

7 1 Cor. I, 7.

8 1 Cor. IX, 1–18.—Cfr. St. Augustine, *De Opere Monach.*, c. 5, n. 6; c. 6, n. 7.

perior moral value, something demanded of no one, not even of him who might be in a position to perform it. Is there any reason for assuming that morality does not admit of degrees? True, there are certain vocations and occupations which oblige those engaged in them to perform duties in excess of the average; but even within these vocations we find there are heroic acts not strictly required of any one but left to the free choice of volunteers." [9]

2. All good works are means of attaining perfection; but some are more effective than others. These are called Evangelical Counsels in the narrower sense. They have a relatively higher value than ordinary good works, for three reasons: (1) because, being more difficult, they demand greater effort, (2) because they are directly opposed to the three principal agencies of sin, concupiscence of the eyes, concupiscence of the flesh, and pride of life,[10] and (3) because they are of special importance for the Church and the entire social order.[11] In recommending the three Evangelical Counsels as *"bonum melius,"* the Church does not mean to condemn marriage, the holding of property, and the rational use of liberty as *mala*. On the contrary, she expressly upholds these as

9 Ph. Kneib, *Die "Jenseitsmoral,"* pp. 96 sq.; cfr. Gen. XLI, 39–45; 1 Kings XVII, 25.

10 1 John II, 16.—Cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 186, art. 7.

11 Cfr. Rom. XII, 4 sqq.; 1 Cor. VII, 7, 20.—St. Ambrose, *De Virginitate*, c. 6, n. 34; *De Viduis*, c. 14, n. 83.—On the *diversitas statuum et officiorum in Ecclesia* cfr. St. Thomas, *Summa Theol.*, 2a 2ae, qu. 183, art. 2.

bona against excessive Rigorism. Voluntary chastity no more depreciates marriage than gold depreciates silver.[12] Moreover, poverty and vir-

12 Cfr. St. Methodius of Olympus, *The Banquet, or On Virginity* (*Συμπόσιον ἢ περὶ ἁγνείας*), II, c. 1: *Παρθενίας ἐλθούσης ὁ Λόγος οὐκ ἀνεῖλε πάντῃ τὴν τεκνογονίαν. Οὐ γὰρ ἐπειδὴ τῶν ἀστέρων ἡ σελήνη μείζων ἐστί, παρὰ τοῦτο τῶν ἄλλων ἀστέρων τὸ φῶς ἀναιρεῖται.* (Migne, *P. G.*, XVIII, 48).—St. Cyril of Jerusalem, *Catecheses*, IV, c. 25: *Μὴ δ'αὖ πάλιν κατορθῶν τὴν σωφροσύνην τυφωθῇς κατὰ τῶν ὑποβεβηκότων ἐν γάμῳ. Τίμιος γὰρ ὁ γάμος καὶ ἡ κοίτη ἀμίαντος, ὥς φησιν ὁ Ἀπόστολος* (Hebr. XIII, 4). *Καὶ σὺ ὁ τὴν ἁγνείαν ἔχων ἆρα οὐκ ἐκ τῶν γεγαμηκότων ἐγεννήθης; Μὴ γὰρ ὅτι χρυσίου κτῆσιν ἔχεις, τὸ ἀργύριον ἀποδοκίμαζε· ἀλλ' εὐέλπιδες ἔστωσαν καὶ οἱ ἐν γάμῳ νομίμως τῷ γάμῳ χρώμενοι, . . . οἱ διὰ τὸ τεκνογονεῖν, ἀλλ' οὐ διὰ τὸ φιληδονεῖν τῷ γάμῳ προσεληλυθότες.* (Migne, *P. G.*, XXXIII, 488).—St. Ambrose, *De Viduis*, c. 12, n. 72: "*Honorabile coniugium, sed honorabilior integritas (1 Cor. VII, 38). Quod igitur bonum est, non vitandum est; quod est melius, eligendum est. Itaque non imponitur, sed praeponitur.*" (Migne, *P. L.*, XVI, 256).—Cfr. Idem, *De Virginitate*, c. 6, n. 33-34: "*Bona igitur vincula nuptiarum, sed tamen vincula; bonum coniugium, sed tamen a iugo tractum et iugo mundi, ut viro potius cupiat placere quam Deo. . . . Nemo ergo vel qui coniugium elegit, reprehendat integritatem, vel qui integritatem sequitur, condemnet coniugium. Namque huius sententiae adversarios interpretes damnavit iamdudum Ecclesia, eos scilicet qui audeant solvere copulam coniugalem.*" (*P. L.*, XVI, 274).—St. Augustine, *Contra Secundinum Manich.*, c. 21: "*Me fateor in Ecclesia catholica didicisse, sicut animam ita et corpus, quorum alterum praeditum, alterum subditum est, ita bonum animae ac bona corporis non esse nisi a summo bono, a quo sunt omnia bona, sive magna sive parva, sive caelestia sive terrestria, sive spiritualia sive corporalia, sive temporalia sive sempiterna, nec ideo ista reprehendenda, quia illa praeferenda.*" (*P. L.*, XLII, 597).—Idem, *De Civ. Dei*, XVI, c. 36: "*Constituamus ambos [Abraham et Isaac] bonos; etiam sic profecto melior est coniugatus fidelissimus et obedientissimus Deo quam continens minoris fidei minorisque obedientiae. Si vero paria sint caetera, continentem coniugato praeferre quis ambigat?*" (*P. L.*, XLI, 515).—Idem, *De Bono Coniugali*, c. 23, n. 28: "*Nullo modo dubitandum est, meliorem esse castitatem continentiae quam castitatem nuptialem, quum tamen utrumque sit bonum.*"—*Ibid.*, n. 29: "*Nuptiae et virginitas duo bona sunt, quorum alterum maius.*" (*P. L.*, XL, 392, 393).—Idem, *Contra Iulian. Pelag.*, IV, c. 7, n. 38: "*Bonum opus est nuptiarum, generandi causa commixtio legitima sexuum, cuius operis fructus est ordinata susceptio filiorum.*" (*P. L.*, XLIV, 758).—Idem, *De S. Virginitate*, c. 18: "*Sectatores et sectatrices perpetuae continentiae et sacrae virginitatis admoneo, ut bonum suum ita praeferant nuptiis, ne malum iudicent nuptias. Neque fallaciter, sed plane veraciter ab Apostolo dictum [1 Cor.*

ginity are *bona meliora* only when chosen from truly moral, and especially religious, motives.[13]

It is impossible to speak more respectfully of the married state than many pious monks have done at different

VII, *28, 38, 40*] *noverint. . . . Haec dominica, haec apostolica, haec vera, haec sana doctrina est, sic eligere dona maiora, ne minora damnentur."* (*P. L.*, XL, 404).—IDEM, *Sermo* 104 (*al. de verb. Dom.*, *27*), c. 3, n. 4: *"Ambae* [*Martha et Maria*] *fuerant Domino gratae, ambae amabiles, ambae discipulae."*—*Ibid.*, c. 2, n. 3: *"Non ergo Dominus opus reprehendit, sed munus distinxit. . . . Transit labor multitudinis et remanet caritas unitatis."* (*P. L.*, XXXVIII, 617). —St. Jerome, *Epist.*, 48 (*al.* 50), n. 2: *"Non ignoramus honorabiles nuptias et cubile immaculatum. Legimus primam Dei sententiam: 'Crescite et multiplicamini et replete terram' (Gen. I, 28). Sed ita nuptias recipimus, ut virginitatem, quae de nuptiis nascitur, praeferamus. Numquid argentum non erit argentum, si aurum argento pretiosius est?"*—*Ibid.*, n. 17: *"Si dixero, melius est virginem esse quam nuptam, bono melius praetuli. Si autem alterum gradum fecero, melius est nubere quam fornicari, ibi non bono melius, sed malo bonum praetuli. Multa diversitas est inter id melius, quod nuptiis, et inter id, quod fornicationi anteponitur."* (*P. L.*, XXII, 495, 507).—IDEM, *Epist.*, 22, n. 19: *"Dicat aliquis: et audes nuptiis detrahere, quae a Deo benedictae sunt? Non est detrahere nuptiis, quum illis virginitas antefertur. Nemo malum bono comparat."* (*P. L.*, XXII, 405).—*Conc. Lat. IV.* (a. 1215), c. 1: *"Non solum virgines et continentes, verum etiam coniugati per rectam fidem et operationem bonam placentes Deo ad aeternam merentur beatitudinem pervenire."* (Denzinger-Bannwart, n. 430).—C. Kollin, O.P. (+ 1536), *Eversio Lutherani Epithalamii*, Cologne 1527: *"Matrimoniale bonum neutiquam vituperatur, dum sibi virginale anteponitur, quemadmodum nec luna vilipenditur, quando sol in luminis claritate ei praefertur. . . . Num argentum iniuriâ afficit dicens aurum argento melius?"* According to P. Kollin, who was a prominent Dominican preacher and missionary of the 16th century, "celibacy is in itself preferable to matrimony; but he who has not the grace of continence, does better (*melius facit*) if he marries." Cfr. N. Paulus, *Die deutschen Dominikaner im Kampfe gegen Luther*, Freiburg 1903, pp. 124 sq.; F. Falk, *Die Ehe am Ausgange des Mittelalters*, Freiburg, 1908.

13 Cfr. 1 Cor. XIII, 1–3.—St. Augustine, *De Bono Coniugali*, c. 10, n. 10: *"Quid si, inquiunt, omnes homines velint ab omni concubitu continere, unde subsistet genus humanum? Utinam omnes hoc vellent, dumtaxat in caritate de puro corde et conscientia bona et fide non ficta."* (Migne, *P. L.*, XL, 381).—IDEM, *De S. Virginitate*, c. 1: *"Quibus dictum est: 'Qui potest capere, capiat'* [*Mt. 19, 12*], *exhortandi sunt, ne terreantur, et terrendi, ne extollantur. Non solum ergo praedicanda est virginitas, ut ametur, verum etiam monenda, ne infletur."* (*P. L.*, XL, 397).—IDEM, *Enarr. in Ps.*, 99, n. 13: *"Melius est humile coniugium quam superba virginitas."* (*P. L.*,

periods in the Church's history. Thus Brother Berthold of Ratisbon (+ 1272) says in one of his sermons: "God sanctified Matrimony by making it one of His seven Sacraments. It is holier than any order ever founded, more sacred than that of the barefooted friars, or the preachers, or the grey monks. In certain respects none of these orders can be compared with marriage, because marriage is a necessary order, and therefore strictly enjoined by God, whereas all other orders are merely of counsel. How could the predestined number of the elect ever be reached without Matrimony?"[14]

The Church has one standard of morals for all because the moral law is one, though its application may vary. Christian perfection, which is the ideal of every Catholic, consists in observing the precept of charity, *i. e.*, loving God and one's fellowmen. The Evangelical Counsels do not constitute perfection, but they are means of fulfilling the precept of charity more perfectly.[15]

"It is a mistake," writes Father A. M. Weiss, O.P., the

XXXVII, 1280).—IDEM, *Serm.*, 4 (*al.* 44 *de Diversis*), n. 20: *"Sancti non sunt, nisi qui habuerint caritatem. . . . Qualis ergo caritas, quae sola multum prodest, sine qua caetera nihil prosunt?"* (*P. L.*, XXXVIII, 44).

14 Cfr. Denifle-Volz, *Luther and Lutherdom*, Vol. I, P. 1, pp. 261 sqq.; A. M. Weiss, O.P., *Lutherpsychologie*, 2nd ed., pp. 120 sqq.; F. Falk, *Die Ehe am Ausgange des Mittelalters*, Freiburg 1908.

15 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 108, art. 4: *"Consilia oportet esse de his, per quae melius et expeditius potest homo consequi finem praedictum."*—IDEM, *ibid.*, 2a 2ae, qu. 184, art. 3, ad 1: *"Ex ipso modo loquendi apparet, quod consilia sunt quaedam instrumenta perveniendi ad perfectionem."*—*Ibid.*, art. 5, ad 2: *Dicendum, quod homines statum perfectionis assumunt non quasi profitentes seipsos perfectos esse, sed profitentes se ad perfectionem tendere. . . . Unde non committit aliquis mendacium vel simulationem ex eo, quod non est perfectus, qui statum perfectionis assumit, sed ex eo, quod ab intentione perfectionis animum relinquit."*—*Ibid.*, qu. 186, art. 1, ad 3: *"Religio nominat statum perfectionis ex intentione finis."*—*Ibid.*, qu. 188, art. 7: *"Religio ad perfectionem caritatis ordinatur."*—Cfr. Denifle-Volz, *Luther and Lutherdom*, Vol. I, P. 1, pp. 146 sqq.—Weiss, *Lutherpsychologie*, 2nd ed., pp. 111 sqq.

famous apologist, "to assert, as Protestants do, that from the Catholic point of view the only genuine Christians are the members of religious orders and all others are second-rate and inferior. The only excuse for asserting such a foolish thing is that some religious have praised their state of life in exaggerated terms. . . . It is wrong to say that those who have embraced religion are the only real or first-rate Christians. There are no second-rate Christians or Christians improperly so called. But it is perfectly true that religious men and women strive to become perfect Christians, that they are bent on practicing their faith honestly and sincerely. True, this should be the aim of all and, generally speaking, can be attained by all who try. Yet, since the world offers innumerable impediments to the higher life, there have always been those who preferred to withdraw as much as possible from the world, in order more securely to fulfil the task incumbent upon all. This is the origin and meaning of the religious life."[16]

That the Evangelical Counsels involve a *bonum melius* is taught in Sacred Scripture both directly and by implication.

Christ says: "There are eunuchs who were born so from their mother's womb: and there are eunuchs who were made so by men: and there are eunuchs who have made themselves eunuchs for the kingdom of heaven. He that can take, let him take it."[17] Here we have a clear-cut distinction between those who remain unmarried for God's sake and those who "take not this word" because

16 Weiss, *op. cit.*, p. 125 sqq.

17 Matth. XIX, 11 sq.

they cannot understand it. Hence voluntary celibacy is an ethical ideal that is not enjoined on all, but may be attained by those who have a special vocation and grace.

St. Paul says: "Concerning virgins I have no commandment of the Lord,[18] but I speak my mind,[19] as one by the mercy of God rendered trustworthy. I think [20] therefore that this (state) is good on account of the present distress—that it is good for a man so to be. Art thou bound to a wife? Seek not to be loosed. Art thou not (so) bound? Seek not a wife. But if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned. Yet such (as marry) shall have affliction in the flesh; but I spare you. But this I say, brethren, the time is short: henceforth let those that have wives be as having them not, and those that weep as weeping not, and those that rejoice as rejoicing not, and those that buy as possessing not, and those that use the world as not using it to the full. For the world as we see it is passing away. My desire is to have you free from care. He that is unmarried hath a care for the things of the Lord, how he may please the Lord; but he that is married hath a care for the things of the world, how he may please his wife, and he is drawn different ways. So also the unmarried woman and the virgin hath a care for the things of the Lord,

18 ἐπιταγὴν κυρίου. 19 γνώμην. 20 νομίζω.

that she may be holy both in body and soul, whilst the married woman hath a care for the things of the world, how she may please her husband. Now this I say for your own profit, not that I may cast a snare upon you, but for the sake of seemly and devoted and undistracted service of the Lord. But if any man thinketh that he incurreth reproach as regards his virgin (daughter, by keeping her unmarried), she being past her youth, and if (in the circumstances) it ought so to be done, let him act as he wisheth: he sinneth not: let them be married.[21] But he that standeth steadfast in his heart, being under no necessity but having power to accomplish his own will, and hath determined in his heart to keep his (daughter a) virgin—he shall do well. In a word, he that giveth his virgin (daughter) in marriage doth well,[22] and he that giveth her not shall do better." [23] Of a widow he says: "She is free to marry whom she will: only (let it be) in the Lord. But she is more blessed if she remain as she is, in my judgment;[24] and methinks I too have the spirit of God." [25] The Apostle, therefore, though he emphasizes the cares and trials of the married state,

21 γαμείτωσαν.

22 καλῶς ποιεῖ, *bene facit.*

23 κρεῖσσον ποιεῖ, *melius facit.*

24 κατὰ τὴν ἐμὴν γνώμην.

25 1 Cor. VII, 25–40. (We use the Westminster Version).—Cfr. *Conc. Trident.*, Sess. XXIV, can. 10. —J. Rohr, *Paulus und die Gemeinde von Korinth*, Freiburg 1899, pp. 62 sqq.; H. Achelis, *Virgines Subintroductae*, Leipsic 1902, pp. 30 sqq.; J. McRory, *St. Paul's Epistles to the Corinthians*, P. I, pp. 101 sqq.; Lutz, *Die kirchliche Lehre von den evangelischen Räten*, Freiburg 1909, pp. 69 sqq.

and the great advantages of virginity, does not "cast a snare," *i. e.,* does not bind the faithful, but, distinguishing clearly between the divine command and his personal opinion, recommends virginity for the sake of God, *i. e.,* for a higher moral end, as something that is better than marriage—a *bonum melius.* Similarly, when he asks for alms to succor the needy, he makes a distinction between precept and counsel, saying: "I speak not as commanding; . . . I give my advice." [26]

The so-called Apostolic Constitutions declare: "As regards virginity, we have received no precept, but leave it as a matter of conscience [27] to the decision of those who choose it freely. But we exhort them not to make a vow lightly. . . . When [a virgin] has vowed chastity, her deeds must correspond with her vow, in order that people may know that she took her vow with a serious intention, not to show contempt for marriage, but to give proof of piety." [28]

3. A precept, as said above, is a matter of strict obligation, whereas a counsel is left to the free choice of the person to whom it is proposed. Man is at liberty to choose between what is good and what is better.[29] There is no law compelling

[26] 2 Cor. VIII, 8 sqq.; cfr. 1 Thess. IV, 2; 2 Thess. III, 6, 12; 1 Tim. VI, 13 sq.

[27] ὡς εὐχήν.

[28] *Constit. Apost.,* IV, c. 14 (ed. Funk, I, 235).

[29] 1 Cor. VII, 37 sqq.; 2 Cor. VIII, 7 sqq.; IX, 7; Philem. 13 sqq.

him to choose the more perfect means for attaining his end. It follows that to choose the less perfect means is no sin, and that every man is free to do so in case of doubt. But it also follows that those who feel morally certain that they are called to a life of higher perfection, are bound to obey the call.

"The Evangelical Counsels," says Bishop Martin, "are appointed for the perfection of the faithful in general, not of each individual in particular. There are circumstances which may render it impossible or dangerous for an individual to follow these counsels. . . . Hence God does not will all to follow them, but only those whom He has called and who are not prevented by other duties. On the other hand, a counsel may sometimes become a duty. Thus if I know that I cannot save my soul in the world, I am obliged to enter a religious order, because otherwise I should expose myself to great danger. But even in such a case it is not the counsel as such that binds, but the duty of choosing the right vocation." [80]

III. It is unnecessary to prove our thesis from Tradition. The Catholic Church is, so to speak, erected upon the Evangelical Counsels. The ideas of poverty and obedience are embodied in Christ Himself,[81] and the high value of virgin-

—Cfr. *Conc. Trident.*, Sess. XXV, *de Regul. et Monial.*, c. 17.—F. Sawicki, *Katholische Kirche und sittliche Persönlichkeit*, Cologne 1907, pp. 102 sqq.

80 C. Martin, *Lehrbuch der kath. Moral*, 5th ed., pp. 88 sq.; cfr. St. Thomas, *Summa contra Gentiles*, III, c. 134; F. X. Linsenmann, *Lehrbuch der Moraltheologie*, pp. 142 sqq.; A. Ott, *Die Bettelorden und ihre Verteidigung durch Thomas von Aquin*, Treves 1903, pp. 26 sqq.

81 Cfr. Matth. VIII, 20; XXVI, 42; Mark XIV, 36; Luke II, 7, 51; VIII, 2 sq.; XXII, 42; John IV,

ity appears from His life and that of His Blessed Mother.[32] The *Shepherd* of Hermas clearly inculcates the Catholic doctrine of supererogatory works.[33] A number of treatises on virginity by St. Cyprian, St. Ambrose, St. Augustine, St. Jerome, St. Methodius, and St. Gregory Nazianzen give testimony to the belief of the early Church in the Evangelical Counsels. St. Augustine, paradoxical though it may sound, while he did not employ the term *opus supererogationis,* actually created it.[34] From the very beginning the Church put the Evangelical Counsels into

34; V, 30; VI, 38; Rom. V, 19; 2 Cor. VIII, 9; Phil. II, 7 sq.; Heb. V, 8; X, 7 sqq.

32 Matt. I, 18–25; Luke I, 34–38.—Cfr. G. M. Galfano, *La Vergine delle Vergini,* Palermo 1882, pp. 237 sqq.; Pohle-Preuss, *Mariology,* 2nd ed., St. Louis 1916, pp. 83 sqq.; Schaefer-Brossart, *The Mother of Jesus in Holy Scripture,* New York 1913, pp. 10 sqq.; O. Bardenhewer, *Mariae Verkündigung,* Freiburg 1905; M. Meinertz, *Der Jakobusbrief,* Freiburg 1905, pp. 16 sqq.; E. Neubert, *Marie dans l'Eglise Anténicéenne,* Paris 1908.—On the Jewish view of virginity see Lev. XXI, 1–3, 13; V. Zapletal, O.P., *Alttestamentliches,* Fribourg (Switzerland), 1904, pp. 78 sqq.; H. Weiss, *Das Gelübde Jephtes,* Braunsberg 1907; E. Mader, *Die Menschenopfer der alten Hebräer,* Freiburg 1909.—On the essential distinction between Christian and Vestal virgins, see J. Lipsius, *De Vesta et Vestalibus Syntagma,* Antwerp 1603, pp. 31 sqq.; St. Ambrose, *De Virginibus,* I, c. 4, n. 15; *De Virginitate,* c. 3, n. 13; *Epist.,* XVIII, n. 11; St. Augustine, *Contra Faust. Manich.,* XX, c. 21; Prudentius, *Contra Symmach.,* II, v. 1054 sqq.

33 Cfr. V. Schweitzer, "*Der Pastor Hermae und die Opera supererogatoria,*" in the *Theol. Quartalschrift,* Tübingen, 1904, pp. 539 sqq.; A. Harnack, *Mission und Ausbreitung des Christentums,* Vol. I, 2nd ed., Leipsic 1906, pp. 186 sq.

34 Cfr. St. Augustine, *De S. Virginitate,* c. 30: "*Neque enim sicut 'non moechaberis, non occides,' ita dici potest, 'non nubes.' Illa exiguntur, ista offeruntur. Si fiant ista, laudantur; nisi fiant illa, damnantur. In illis Dominus debitum imperat vobis, in his autem, si quid amplius supererogaveritis, in redeundo reddet vobis.*" (Migne, *P. L.,* XL, 412).—The oft (but wrongly) quoted *Serm. 16 de Temp.* was not written by St. Augustine. Cfr. Ps.-Augustine, *Append. Serm.,* 273 (*al. 61 de Temp.*), in Migne's *P. L.,* XXXIX, 2258.

practice and rejected the claims of Helvidius, Jovinian, Vigilantius,[35] and other heretics who attacked them.[36]

The principle underlying the Catholic teaching on the counsels was never seriously challenged until the time of the so-called Reformation. Protestants maintain that the commandment of perfect charity binds all men, and that no one can go beyond it. But Christ plainly says that we love God if we "keep His commandments."[37] Hence if we wish to love God, we must perform the good deeds required of us as a matter of duty, and avoid sin. But in the choice of means we are free. We can choose either the more or the less perfect. In other words, we are not bound to love God in the most perfect manner possible, or do all the good we can do, or always choose that which is better in preference to that which is simply good. To practice the highest conceivable degree of charity (*amor intensive summus*) is a privilege reserved to the holy souls in Heaven.

Another Protestant objection is that every man is bound to become constantly more perfect, and no one can achieve more or merit a greater reward than the rest. Those who raise this objection rest it on Luke XVII, 10: "When you shall have done all these things that are com-

35 Cfr. St. Jerome, *Liber de Perpetua Virginitate B. Mariae adv. Helvidium; Libri Duo ad Iovinianum; Liber contra Vigilantium* (Migne, *P. L.*, XXIIII, 183, 212, 339). Cfr. Denzinger-Bannwart, n. 601 sqq.; W. Haller, *Jovinianus*, Leipsic 1897, p. 145; W. Schmidt, *Vigilantius*, Münster 1860, pp. 48 sqq.; A. Réville, *Vigilance de Calagurris*, Paris 1902.

36 Cfr. J. Wilpert, *Die gottgeweihten Jungfrauen in den ersten Jahrhunderten der Kirche*, Freiburg 1892, pp. 6 sqq.

37 Cfr. John XIV, 21, 23 sq.; XV, 10; 1 John II, 3–6; V, 3; 2 John VI.—St. Gregory the Great, *Hom. in Evang.*, XXX, n. 1: *"Veritas dicit: Siquis diligit me, sermonem meum servabit. Probatio ergo dilectionis exhibitio est operis."* (Migne, *P. L.*, LXXVI, 1220).

manded you, say: We are unprofitable servants; we have done that which we ought to do." The command to be as perfect as possible binds all. But no one is bound to be always doing the most perfect good work he is capable of. Every man is free to choose between the various means that lead to perfection. To deduce from the general precept which bids us to strive after perfection, the strict duty of doing not only that which is good, but that which is better, nay the best we are capable of, would lead to undue rigorism. On the other hand, upon closer examination the Scriptural text quoted will be found to contain nothing more than an enunciation of the fundamental truth that whatever good there is in us we owe primarily to the grace of God, and therefore we should always be humble.[88]

READINGS.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 108, art. 4; 2ae 2ae, qu. 184, art. 3 and 4; qu. 186, art. 3–7.—IDEM, *Summa contra Gentiles*, III, c. 130–137 (Rickaby, *God and His Creatures*, London 1905, pp. 293 sqq.)—IDEM, *An Apology for the Religious Orders*, Edited by J. Procter, London 1902.—A. M. Weiss, O.P., *Apologie des Christentums*, Vol. V, 4th ed., pp. 213 sqq.—A. Winterstein, *Die christliche Lehre vom Erdengut*, Mayence 1898, pp. 87 sqq.—J. G. Barthier, *De la Perfection Chrétienne*, Vol. II, pp. 5, 39, 105, 150.—J. Mausbach, *Catholic Moral Teaching and its Antagonists* (tr. by Buchanan), New York 1914, pp. 270 sqq.—H. Denifle, O.P., *Luther and Lutherdom* (tr. by Volz), Vol. I, p. 1, pp. 146 sqq.—F. J. Lutz, *Die kirchliche Lehre von den evangelischen Räten*, Paderborn 1907, pp. 48 sqq.—Mutz, *Christliche Aszetik*, pp. 56 sqq.—B. Kuhn, *Vers la Vie Divine*, Paris 1908, pp. 39 sqq.—A. S. Barnes in the *Catholic Encyclopedia*, Vol. IV, pp. 435 sq.—H. J. Cladder, S.J., *Als die Zeit erfüllt war*, Freiburg, 1915.

88 John XV, 5; 1 Cor. I, 31; III, 7; 2 Cor. III, 5; X, 17.—Cfr. *Conc. Trident.*, Sess. VI, c. 16: *"Absit ut christianus homo in se ipso vel confidat vel glorietur, et non in Domino, cuius tanta est erga homines bonitas, ut eorum velit esse merita, quae sunt ipsius dona."*—Cfr. St. Celestine, *Epist. ad Episc. Galliae*, I, c. 12, n. 14 (Denzinger-Bannwart, n. 141).

CHAPTER V

THE OBJECT OF MORALITY—HUMAN ACTS

SECTION 1

HUMAN ACTS DEFINED

1. Man is composed of body and soul. His acts, to be truly human, must bear the mark of those faculties which distinguish him from the lower orders of creation, namely, understanding and free-will. A human act (*actus humanus*), in contradistinction to an act of man (*actus hominis*), is characterized by three essential qualities:—knowledge, voluntariness, and freedom. "All three are necessary to it, and, as necessary, they are called 'principles' of the human act." [1]

2. A human act does not necessarily manifest

[1] M. Cronin, *The Science of Ethics*, Vol. I, p. 33.—Cfr. Gury, *Compendium Theol. Mor.*, I, n. 1: "*Actus humanus est ille, qui procedit a deliberata hominis voluntate, seu est actus procedens a voluntate libera cum advertentia ad bonitatem vel malitiam moralem. Actus igitur humanus idem sonat ac actus moralis. Hinc differt ab actu hominis, qui fit in homine, vel ab homine absque ulla deliberatione, ut sunt actus indeliberati concupiscentiae, seu motus primoprimi, vel actus hominis penitus distracti, somniantis, delirantis, amentis, ebrii aut usu rationis quocunque modo destituti.*"

itself externally (*actus externus*) but may be completed within the will (*actus internus*).

3. A human act need not be positive, but may consist in an omission, for freely to omit an act is as imputable to the will as to perform it. If an omission (*omissio, actus omissus*) is the result of culpable inadvertence or carelessness, it is voluntary in the cause (*voluntarium in causa*).

4. A human act, being the product of a finite creature, is not what the Scholastics call *actus purus, i. e.,* it is not conceived and consummated simultaneously, but passes through a series of distinct periods of time. First an impression is made on the senses. This leads to a notion or concept, which is presented by the intellect as desirable to the will. As soon as the will consents, there is an *actus internus*. When this internal act sets the bodily powers in motion and becomes external, there results an *actus externus*. An act that has run through all these stages is called complete or perfect.[2]

READINGS.—St. Thomas, *Summa Theol.,* 1a 2ae, qu. 18–20 (Rickaby, *Aquinas Ethicus,* Vol. I, pp. 55 sqq.).—St. Alphonsus, *Theologia Moralis,* l. V. (ed. Gaudé, Rome 1905 sqq., Vol. II,

2 Cfr. Gury, *Comp. Theol. Mor.,* I, n. 4, 3: "[*Voluntarium distinguitur*] *perfectum vel imperfectum, prout habetur cum plena cognitione plenoque consensu, seclusâ omni voluntatis repugnantiâ, aut cum imperfecta cognitione vel imperfecto consensu vel etiam cum aliqua repugnantia voluntatis. Hinc voluntarium istud imperfectum duplex est:* 1°*Stricte imperfectum, nempe deficiente plenâ cognitione aut pleno consensu,* 2° *late imperfectum, repugnante quidem aliquatenus voluntate, sed remanente liberâ et absolute consentiente.*"

pp. 689 sqq.).—V. Cathrein, S.J., *Moralphilosophie,* 4th ed., Freiburg 1904, Vol. I, pp. 284 sqq.—L. Sacotte, *Traité des Actes Humaines,* Paris 1905.—J. Bucceroni, S.J., *De Actibus Humanis,* 3rd ed., Rome 1906.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 30 sqq.—R. I. Holaind, S.J., *Natural Law and Legal Practice,* New York 1899, pp. 71 sqq.—Thos. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 1 sqq.—V. Frins, S.J., *De Actibus Humanis,* Vol. II, Freiburg 1904.—A. Sweens, *Theologia Moralis Fundamentalis,* Haaren 1910, pp. 31 sqq.—Sabetti-Barrett, S.J., *Compendium Theologiae Moralis,* 22nd ed., New York 1915, pp. 10 sqq.

SECTION 2

IMPUTABILITY OF HUMAN ACTS

I. Notion of Imputability.—There is a distinction between responsibility, imputability, and morality.

"Responsibility is the condition of a *man* who, having sufficient knowledge, and being free from coercion, can act or not act, as he chooses, and is therefore accountable for his determination. Imputability is the character of an *act* which is freely performed, so that the good or evil of it is attributable to him who performs it. The morality or immorality of an act is its conformity or non-conformity with the moral *law*." [1]

Imputation is the *judgment* by which a man is declared to be the free cause of an act and held responsible for its consequences.

Before judgment on the authorship of an act can be definitely pronounced, it is necessary to inquire, (1) whether the agent to whom the act is imputed is really its author (*imputatio facti*), and (2) whether he was free to act and is responsible for his conduct (*imputatio iuris sive legis*).

[1] R. I. Holaind, S.J., *Natural Law and Legal Practice*, p. 84.

The judgment by which an act is imputed to a man is pronounced either by his own conscience [2] or by civil or ecclesiastical authority, and may be true or false. God alone always "judgeth justly," [3] because He is "the searcher of hearts." [4] Human judgments are just only in so far as they coincide with those of God.

II. THE ESSENTIAL CONDITIONS OF IMPUTABILITY.—1. A man is responsible for an act (be it of commission or omission) in exact proportion to the degree of liberty which he enjoys. Hence only free acts are imputable, *i. e.,* attributable to the agent for reward or punishment. In other words, where there is no freedom of choice, there is no imputability, and the greater a man's power to determine his actions, the greater his merit or demerit, and *vice versa.*[5]

2. Of course, no human being is entirely free. It was shown in the first part of this treatise how the will is influenced by individual as well as social factors. In addition to these there are certain others which diminish responsibility, *e. g.,* ignorance, inadvertence, habit, and various mental disturbances.

2 Cfr. 1 Cor. IV, 3 sq.—St. Thomas, *Summa Theol.,* 1a 2ae, qu. 112, art. 5; Theo. Meyer, S.J., *Institutiones Iuris Naturalis,* Vol. I, 2nd ed., pp. 173 sqq.

3 Jer. XI, 20.

4 Ps. VII, 9 sq.; cfr. Jer. XVII, 10; XX, 12; John II, 25; Rom. XIV, 4, 10; Acts I, 24; XV, 8; 1 Cor. IV, 5; 2 Cor. V, 10; Apoc. II, 23; XX, 12.

5 Cfr. W. Schmidt, *Der Kampf um die sittliche Welt,* pp. 301 sqq.

a) IGNORANCE (*ignorantia*) is the absence of knowledge which a person should have.[6] The civil courts (except in the case of children) do not admit ignorance as a mitigating circumstance in cases of serious transgression, but proceed on the principle that "ignorance of the law does not excuse."

Moral Theology, on the contrary, acknowledges the existence of culpable ignorance by which responsibility and guilt are diminished. The reason is not far to seek. A sin that springs from ignorance does not indicate a positive evil tendency of the will. That there are *peccata ignorantiae* the New Testament teaches in numerous passages. Christ prayed for his executioners: "Father, forgive them, for they know not what they do." [7] In one of the discourses reported by St. John, Jesus says: "If I had not come and spoken to them, they would not have sin; but now they have no excuse for their sin." [8] St. Peter, after accusing the Jews of having killed the Author of life, added: "Brethren, I know that you did it through ignorance, as did also your rulers." [9] St. Paul regrets that he persecuted Christ and His Church, but adds: "I ob-

6 Cfr. E. Taunton, *The Law of the Church*, pp. 365 sq.; J. Hollweck, *Die kirchlichen Strafgesetze*, Mayence 1899, pp. 77 sqq.

7 Luke XXIII, 34.

8 John XV, 22.

9 Acts III, 17.

tained the mercy of God, because I did it ignorantly in unbelief." [10]

Note, however, that ignorance can never altogether excuse any one from performing the duties proper to his state of life, because every man is strictly bound to inform himself with regard to these duties.[11]

b) INADVERTENCE (*inadvertentia*) signifies the omission of such care as duty requires one to take with regard to one's obligations. Civil jurisprudence imputes acts of inadvertence that involve injury to others. Not so Moral Theology. Sins committed through inadvertence (*peccata inadvertentiae*) are not altogether imputed because they spring from defective knowledge. There can be no guilt in the theological sense of the term where there is no *dolus, i. e.,* a deliberate intention of violating the law, or *culpa lata, i. e.,* criminal carelessness or neglect of that ordinary care which every sensible person is supposed to exercise in important matters.[12]

An evil action may be premeditated (malice prepense or aforethought), or committed in a fit of passion (*dolus repentinus*). This distinction is important in cases where a man takes the life of another. If he acts with malice

10 1 Tim. I, 13.

11 Cfr. Luke XII, 47 sq.; Jas. IV, 17.

12 Cfr. *Codex Iuris Can.*, can. 2199 sq.; Ex. XXI, 29 sqq.; Numb. XXXV, 22 sqq.; Deut. XIX, 4-6.

aforethought, he is guilty of murder; if carried away by passion, his crime is merely man-slaughter.

Negligence means failure to do something which a reasonable man, guided by those considerations that ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do. Negligence may be slight, ordinary, or gross. These principal degrees have been shaded off in opposite directions by the Roman jurists and the Schoolmen (*latissima, latior, lata; levis, levior, levissima*).[13]

c) Custom (*consuetudo*) or habit is a facility acquired in performing certain acts by frequent repetition. If a man always acts in the same manner, he gradually acquires a certain facility. As a determinant of the will, this facility may be a means either of virtue or of vice, and as the proverb says, often becomes second nature.[14]

13 Cfr. V. Patuzzi, *Ethica Christiana*, Vol. V, Bassano 1790, pp. 229 sq.: *"Culpa latissima dolo et fraudi aequiparatur, et revera in expresso dolo consistit, ut si miles excubias habens se dormire fingat, ut hostes ingrediantur. Culpa latior est dolus tacitus, ut si custos gregis, qui potest clamando furem vel lupum fugare, silet tamen. Culpa vero lata est omissio illius diligentiae in rei alienae custodia vel damno vitando, quam prudentes et cordati viri communiter adhibere solent in propriis rebus curandis, ut si servus nocturno tempore ostium domus claudere neglegat. Levis vero in omissione consistit illius diligentiae, quam specialiter adhibere solent viri et patres familias diligentiores; ut si quis aureum vas commodatum in suo quidem cubiculo reponat, clauso etiam ostio, sed seris non obductis. Levissima denique culpa omissionem importat illius diligentiae, quam soli cautissimi et circumspectione abundantes solent adhibere, qualis est illius qui gemmas in arca clauderet, sed manu non experiretur vel exploraret, num firmiter occlusa sit."* —E. Voit, *Theologia Moralis*, Vol. I, 6th ed., Würzburg 1769, n. 744, p. 494: *"Culpa latior dicitur dolus praesumptus, sive omissio debitae diligentiae, ex qua, etsi non omnino manifeste colligatur malus nocendi animus, prudenter tamen potest praesumi. Talis est in eo, qui damnum proximi non intendit quidem, illud tamen praevidet futurum ex actione sua vel eius omissione."*

14 Cicero, *De Finibus*, V, c. 25: *"Consuetudo quasi altera natura."*—Cfr. St. Augustine, *Confessiones*,

Habit diminishes but does not destroy free-will. In so far as a habit is freely acquired, it increases responsibility, and in so far as it is good, it augments merit. If one has unconsciously acquired a bad habit, the sinful acts are not imputable until the wickedness of the habit and its acts is realized. As soon as it *is* realized, the duty arises of rigorously combatting the evil habit. By falling back into a bad habit a man incurs grave responsibility, because he almost invariably acts against his better knowledge and his conduct has in it something tending to that state of which our Saviour says that it is "worse than the first." [15]

Acts which are, as it were, mere mechanical consequences of a habit, are imputable only in so far as the habit itself is voluntary (*voluntarium in causa*).

d) There are many different kinds of MENTAL DERANGEMENT or psychic abnormality. Illusions, hallucinations, fixed ideas, hypochondria, melancholia, hysteria, morbid fear in its various forms (especially agoraphobia, *i. e.*, the dread of crossing or being in the midst of open spaces), se-

VIII, c. 5, n. 10: "*Quippe ex voluntate perversa facta est libido, et dum servitur libidini, facta est consuetudo, et dum consuetudini non resistitur, facta est necessitas.*"—IDEM, *De Musica*, VI, c. 7, n. 19: "*Non frustra consuetudo quasi secunda et quasi affabricata natura dicitur.*" (Migne, *P. L.*, XXXII, 753, 1173).—IDEM, *Serm.*, 17 (*al.* 28 *inter Homilias*, 50), n. 3 (*P. L.*, XXXVIII, 125).—St. Bernard, *De Consid.*, IV, c. 3, n. 8: "*Nil tam durum, quod duriori non cedat.*" (*P. L.*, CLXXXII, 777).—Cfr. Jer. XIII, 23.

15 Matth. XII, 43 sqq.; cfr. Prov. XXVI, 11; Luke XI, 24 sqq.; Heb. X, 26; 2 Pet. II, 20 sqq.

vere nostalgia (homesickness), and all forms of quasi-amentia impede the normal exercise of reason and must therefore be regarded as extenuating circumstances, though they do not entirely destroy free-will unless they develop into actual insanity. In all such cases medical experts should be consulted. Note, however, that theologians must sometimes assume moral guilt where physicians and lawyers deny the existence of responsibility. For while it is quite true that the genuine symptoms of insanity are rarely simulated, that many crimes (especially sexual perversities) are pathological, and that an insuperable disinclination to labor and a slanderous tongue may be symptoms of neurasthenia or hysteria, it is equally certain that not all forms of mental derangement entirely destroy the freedom of the will.

3. The CONSEQUENCES of an act (*eventus sequentes*) are imputable to the agent whenever they follow from the act in the ordinary course of events and can therefore be foreseen, either definitely or at least *in confuso*, or when they are organically connected with the act from which they flow and form a moral whole with it. When an act that is in itself licit entails evil consequences which the agent can foresee, these consequences are imputable to the agent, provided the act is neither physically nor morally neces-

sary. Consequences which follow an act with purely physical necessity are not imputable in the court of morals, though they can and must be reckoned with in secular jurisprudence.[16]

Readings.—On imputability in general: M. Cronin, *The Science of Ethics,* Vol. I, pp. 182, 543 sq.—R. I. Holaind, S.J., *Natural Law and Legal Practice,* pp. 84 sqq.—Theo. Meyer, S.J., *Institutiones Iuris Naturalis,* Vol. I, 2nd ed., pp. 173 sqq.

On ignorance: A. Boudinhon in the *Catholic Encyclopedia,* Vol. V, p. 682.—J. F. Delany, *ibid.,* Vol. VII, pp. 648 sqq.—Th. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 30 sqq.—E. Taunton, *The Law of the Church,* pp. 365 sq.—A. Sweens, *Theologia Moralis Fundamentalis,* pp. 71 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* pp. 48 sqq.

On negligence: Thos. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 27; 409 sq., 539.—J. F. Delany in the *Catholic Encyclopedia,* Vol. X, p. 737.

On mental derangement as a diminuent of responsibility: A. Huber, *Die Hemmnisse der Willensfreiheit,* 2nd ed., pp. 214 sqq.—Ig. Familler, *Pastoral-Psychiatrie,* Freiburg 1898.—S. Weber, *Zwangsgedanken und Zwangszustände,* Paderborn 1903.—R. v. Kraft-Ebing, *Psychopathia Sexualis,* 13th ed., Stuttgart 1907.—W. Wille, *Die Psychosen des Pubertätsalters,* Vienna 1898.—K. Hilty, *Ueber Neurasthenie,* Berne 1897.—Krauss, *Der Kampf gegen die Verbrechensursachen,* pp. 295 sqq.—J. Bessmer, S.J., *Störungen im Seelenleben,* 2nd ed., Freiburg 1907.—Idem, *Die Grundlagen der Seelenstörungen,* Freiburg 1906.—Th. Braun, *Die religiöse Wahnbildung,* Tübingen 1906, pp. 13 sqq.—Jas. J. Walsh, "Scruples, Obsessions, and Dreads," in the *Ecclesiastical Review,* Vol. LVI (1917), No. 4, pp. 360–375.—O'Malley-Walsh, *Essays in Pastoral Medicine,* New York 1906, pp. 211 sqq.

16 Cfr. St. Thomas, *Summa Theologica,* 1a 2ae, qu. 20, art. 5; Göpfert, *Moraltheologie,* Vol. I, 6th ed., pp. 122 sqq.

SECTION 3

MORALITY OF HUMAN ACTS

By the morality of an act is understood its intrinsic relation to the moral order and to reason. Every human act, *in concreto,* is either good or bad. It is good if it conforms to the moral law; it is bad if it violates that law.[1]

The sources of morality (*fontes sive principia moralitatis*), *i. e.*, the factors or principles which determine the relation of an act to the moral law, are: (1) the object or matter of the act, (2) its form, intention or end (*finis*), and (3) the attending circumstances.

Generally speaking, an act is good if all three of these factors coöperate in making it conformable to the right order; it is evil if any one of them is wrong or sinful. Hence the Scholastic axiom: *"Bonum ex integra causa, malum ex quocunque defectu."* [2]

1 Cfr. M. Cronin, *The Science of Ethics,* Vol. I.

2 Cfr. Pseudo-Dionysius, *De Div. Nomin.,* c. 4, § 30 (Migne, *P. G.,* III, 729).—St. Thomas, *Summa Theol.,* 1a 2ae, qu. 19, art. 6, ad 1: *"Dionysius dicit: Bonum ex integra causa, malum autem ex singularibus defectibus."—Ibid.,* art. 7, ad 3: *"Malum contingit ex singularibus defectibus, bonum autem ex tota et integra causa."* (Cfr. qu. 18, art. 4, ad 3).

I. The Object.—The object of an act (*obiectum materiale*) is that act itself, considered in the abstract. Though there are objects that are in themselves indifferent (*e. g.*, eating and drinking), as a rule the object of an act has an inherent morality of its own, which causes the will of the agent to be either good or bad, according as the object is good (*e. g.*, prayer, fasting), or bad (*e. g.*, lying, stealing).[8] Objec-

[8] St. Thomas, *Summa Theol.*, 1a 2ae, qu. 18, art. 8: "*Actus omnis habet speciem ab obiecto, et actus humanus, qui dicitur moralis, habet speciem ab obiecto relato ad principium actuum humanorum, quod est ratio. Unde si obiectum actus includat aliquid, quod conveniat ordini rationis, erit actus bonus secundum suam speciem, sicut dare eleemosynam indigenti; si autem includat aliquid, quod repugnat ordini rationis, erit actus malus secundum speciem, sicut furari, quod est tollere aliena. Contingit autem, quod obiectum actus non includit aliquid pertinens ad ordinem rationis, sicut levare festucam de terra, ire ad campum et huiusmodi, et tales actus secundum speciem suam sunt indifferentes.*"—*Ibid.*, art. 9: "*Oportet quod quilibet individualis actus habeat aliquam circumstantiam, per quam trahatur ad bonum vel ad malum, ad minus ex parte intentionis finis. Quum enim rationis sit ordinare, actus a ratione deliberativa procedens, si non sit ad debitum finem ordinatus, ex hoc ipso repugnat rationi et habet rationem mali; si vero ordinetur ad debitum finem, convenit cum ordine rationis, unde habet rationem boni. Necesse est autem quod vel ordinetur vel non ordinetur ad debitum finem. Unde necesse est omnem actum hominis a deliberativa ratione procedentem in individuo consideratum bonum esse vel malum. Si autem non procedit a ratione deliberativa, sed ex quadam imaginatione (sicut quum aliquis fricat barbam vel movet manum aut pedem), talis actus non est proprie loquendo moralis vel humanus, quum hoc habeat actus a ratione, et sic erit indifferens, quasi extra genus moralium actuum existens.*"—Cfr. St. Ambrose, *Expos. in Ps.*, 118, s. 14, n. 23: "*Omnia cum ratione* [*facias*], *nihil sine ratione, quia non es irrationabilis, o homo, sed rationabilis.*" (Migne, *P. L.*, XV, 1400).—St. Jerome, *Epist.*, 112 (*al.* 89), n. 16: "*Neque enim indifferentia sunt inter bonum et malum, sicut philosophi disputant. Bonum est continentia, malum est luxuria. Inter utrumque indifferens ambulare, digerere alvi stercora, capitis naribus purgamenta proiicere, sputis rheumata iacere. Hoc nec bonum nec malum est; sive enim feceris sive non feceris, nec iustitiam habebis nec iniustitiam. Observare autem legis caeremonias, non potest esse indifferens, sed aut bonum est, aut malum est.*" (*P. L.*, XXII, 926).

tively indifferent acts become good or bad when they are willed with a good or bad intention, or when good or bad circumstances surround them.

According to its gravity in the moral order, an act is called *materia gravis* or *levis*.

In regard to their object or matter human acts are either intrinsically good or intrinsically bad, according as their objects are good or bad in themselves. Intrinsically good acts may be good either absolutely or relatively. An absolutely good act (*secundum se bonus*), which can never be bad, is, *e. g.*, the love of God. A relatively good act (*in se bonus*) is one that may be good or bad according to the reason or motive which inspire or the accidental conditions or circumstances which surround it. Such relatively good acts are, for example, prayer, fasting, almsgiving.

Intrinsically bad acts are such as run counter to the moral order by their very nature. Some are absolutely bad and can never become good, as, *e. g.*, hatred of God, perjury. Others are bad merely because the agent has no right to perform them or because they are a source of danger or temptation, *e. g.*, manslaughter, viewing unchaste pictures. Acts of the latter kind are called relatively bad. A relatively bad act may become good by virtue of special conditions or circumstances, *e. g.*, self-defense or study.

Extrinsically bad acts are bad simply because they are forbidden. As Göpfert rightly remarks, however, "the terms 'extrinsically good' and 'extrinsically bad' do not denote merely the conformity or nonconformity of an act to the law, regardless of its intrinsic ethical char-

acter; but they indicate that the relation existing between such an act and the moral order owes its existence to a command or prohibition of the lawgiver." [4]

II. THE END.—By the end of an action (*obiectum formale*) is meant the reason or motive which induces the agent to perform that action, or, to employ a more familiar term, the *intention* with which he acts.[5]

1. An *intention* may be *actual, virtual,* or *habitual.* It is actual if it is elicited immediately before the act is performed and with direct reference to the same. It is virtual if its force is borrowed from a previous act of the will, which is accounted as continuing in effect. It is habitual if it once existed and has never been retracted.

To be morally good an act must be inspired by an actual, or at least a virtual, good intention. A merely habitual intention is not sufficient for this purpose because it may exist in an unconscious subject, and is strictly speaking non-existent while the action is being performed.

The Catholic Church exhorts her children to make a good intention frequently, at least every

4 Göpfert, *Moraltheologie,* Vol. I, 6th ed., p. 191.

5 Cfr. Matth. VI, 1–8.—St. Augustine, *De Serm. Dom. in Monte,* II, c. 13, n. 45: *"Non ergo quid quisque faciat, sed quo animo faciat, considerandum est. Hoc est enim lumen in nobis, quia hoc nobis manifestum est, bono animo nos facere quod facimus."* (Migne, *P. L.,* XXXIV, 1289).—St. Bernard, *De Baptismo,* c. 2, n. 6 (*P. L.,* CLXXXII, 1035).

day, in order to sanctify all their actions by referring them directly to God.[6] There is no nobler motto than, "All for the greater honor and glory of God." [7]

The end of an action may be primary or secondary, ultimate or intermediate, natural or supernatural.

2. As regards the *influence of the intention on the morality of an act,* note the following considerations:

a) An act that is morally indifferent, so far as its object is concerned, becomes good or bad by the intention of the agent. Thus the act of eating, which is in itself indifferent, becomes good if done for the purpose of sustaining life and strength, bad if done exclusively for pleasure.[8]

b) An act that is objectively good (*e.g.*, prayer, almsgiving) becomes bad if done for a wicked purpose. Conversely, an objectively good act derives an increase of moral value from a good intention.[9]

c) A materially bad act (*e. g.*, a lie) is never

6 1 Cor. X, 31; 1 Pet. IV, 11; Col. III, 17; cfr. John XV, 8; Phil. I, 10 sq.—St. Ignatius of Antioch, *Epist. ad Polycarp.*, c. 5: *Πάντα εἰς τιμὴν θεοῦ γινέσθω.* (Funk, *Patres Apost.*, I, 2nd ed., 292, 8).—St. Augustine, *Enarr. in Ps.*, 34, s. 2, n. 16: "*Totâ die Deum laudare quis durat? Suggero remedium, unde totâ die laudes Deum, si vis. Quidquid egeris, bene age et laudasti Deum.*" (Migne, *P. L.*, XXXVI, 341).—On the good intention as a requisite of supernatural merit see Pohle-Preuss, *Grace, Actual and Habitual*, pp. 413 sqq.

7 Cfr. H. Lammens, "*L'Antiquité de la Formule 'Omnia ad Maiorem Dei Gloriam,'*" in the *Revue de l'Orient Chrétien*, VIII (Paris 1903), pp. 477 sqq.

8 Eccles. X, 17.

9 Cfr. Matth. V, 16; VI, 1 sqq.; XXIII, 5, 15.

rendered good by a good intention. The reason is that a good end cannot be attained by evil means.[10] No advantage that could possibly be gained by sin is large enough to outweigh the injury inflicted on the moral law. Christ Himself said: "What doth it profit a man, if he gain the whole world, and suffer the loss of his own soul? Or what exchange shall a man give for his soul?" [11] It is never allowed to do evil that good may come, which is but another way of saying that the end never justifies the means.[12] "This," says Father Slater, S.J., "is the teaching of Holy Scripture and of the Catholic Church, nor have the Jesuits any other doctrine different from that of the Church. Father Dasbach promised to give anyone two thousand florins who would prove in open court that the Jesuits had ever taught that the end justifies the means. Count Paul von Hoensbroech undertook to do so, but he failed in his suit when it was tried at Cologne, in the spring of 1905." [13]

10 Cfr. Job XIII, 7; Rom. III, 8; VI, 1.—St. Augustine, *De Mendacio*, c. 21, n. 42: *"Ad sempiternam salutem nullus ducendus est opitulante mendacio."* (Migne, *P. L.*, XL, 516).

11 Matth. XVI, 26.

12 Cfr. St. Augustine, *Contra Mendacium*, c. 7, n. 18: *"Interest quidem plurimum quâ causa, quo fine, quâ intentione quid fiat, sed ea quae constat esse peccata, nullo bonae causae obtentu, nullo quasi bono fine, nullâ velut bonâ intentione facienda sunt."* (Migne, *P. L.*, XL, 528).

13 Th. Slater, S.J., *A Manual of Moral Theology*, Vol. I, p. 49.—Cfr. P. Roh, S.J., *Das alte Lied: "Der Zweck heiligt die Mittel,"* 3rd ed., Freiburg 1894; M. Reichmann, S.J., *Der Zweck heiligt die Mittel*, Freiburg 1903; Heiner, Fidelis, Dasbach, and other writers.—B. Duhr, S.J., *Jesuitenfabeln*, 4th ed., pp. 542 sqq.; J. Mausbach, *Catholic*

However, while the sinfulness of an act is never neutralized, it may be diminished by the intention of the agent, if the choice of means results from imperfect knowledge or is made for the sake of a good purpose. To choose a bad means for the attainment of a good end manifestly indicates less malice than to choose a bad means for its own sake.[14] An apparently good purpose may, on the other hand, augment the wickedness of an act

Moral Teaching and its Antagonists, pp. 92 sqq.; Pilatus (Dr. V. Naumann, a Protestant), *Der Jesuitismus,* Ratisbon 1905, pp. 280 sqq.; F. Heiner, *Der Jesuitismus,* 3rd ed., Paderborn 1902, pp. 81 sqq.; IDEM, *Die Jesuiten und ihre Gegnèr,* Munich 1906, pp. 73 sqq.; *Catholic Encyclopedia,* Vol. III, p. 87; Vol. XIV, pp. 104 sq.; Brou, S.J., *Les Jésuites de la Legende,* Paris 1906; *Concerning Jesuits,* London 1902; Maynard, *The Studies and Teaching of the Society of Jesus,* London 1855.

14 Cfr. St. Augustine, *Enchiridion,* c. 18, n. 6: "*Mihi videtur peccatum quidem esse omne mendacium, sed multum interesse, quo animo et quibus de rebus quisque mentiatur. Non enim sic peccat ille, qui consulendi, quomodo ille, qui nocendi voluntate mentitur; aut* [*haud*] *vero tantum nocet, qui viatorem mentiendo in diversum iter mittit, quantum is, qui viam vitae mendacio fallente depravat.*" (Migne, *P. L.,* XL, 240).—IDEM, *Contra Mendac.,* c. 8, n. 19: "*Dicet aliquis: ergo aequandus est fur quilibet ei furi qui misericordiae voluntate furatur? Quis hoc dixerit? Sed horum duorum non ideo est quisquam bonus quia peior est unus. Peior est enim, qui concupiscendo quam qui miserando furatur; sed si furtum omne peccatum est, ab omni furto est abstinendum.*" (*P. L.,* XL, 529).—St. Bernard., *De Praec. et Dispens.,* c. 7, n. 13: "*Interest sane, quâ causa, quo affectu, quâ intentione, quo praecipiente in quove praecepto malum hoc committatur. Et quidem nullam prorsus inobedientiam dico parvi ducendam, non tamen omnem pari aestimandam periculo. Enimvero mandatum Dei est: Non occides* [*Ex. 20, 13*]. *Fac ergo duos homicidas, et unum quidem spoliandi cupiditate, alterum vero necessitate sese defendendi facinus perpetrasse. An non hic satis evidenter inter lepram et lepram causa separat, faciens utique disparem valde culpam unius eiusdemque transgressionis? Quid vero, si hunc subita ira, illum studiosa malitia aut vetus odium forte ad idem scelus impulerit? Num quidnam simili pensandum erit iudicio, quod tam dissimili factum constabit affectu? Nil deinde incestius obscoeniusve quam illas filias Lot paternum usurpasse concubitum* [*Gn. 19, 32–36*], *et tamen quis non videat, quantum evacuaverit aut attenuaverit turpis nefandique reatum flagitii pietas intentionis et intentio pietatis?*" (Migne, *P. L.,* CLXXXII, 868).—The legend that

because of the intrinsic contradiction contained in the attempt to employ a bad means for the attainment of a good end, *e. g.*, if one meant to honor God by committing murder or fornication.

III. The Circumstances of an Action.—By the circumstances of an action are understood certain accidental conditions which determine and distinguish it from others of the same kind.[15]

There are seven such conditions, enumerated in the old-time *versus memorialis:*

> "*Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando?*
> (Who, what, where, when, by what means, why, and how?)

Some circumstances (*circumstantiae gradum moralitatis mutantes*) merely augment or diminish the malice of an act, whereas others completely transform its moral species (*circumstantiae speciem moralitatis mutantes*). This distinction is of great practical importance, for the circumstances which alter the species of a sin must be mentioned in confession.[16]

However, it is not so much the external cir-

St. Crispin stole leather to make shoes for the poor, is based upon a misunderstanding. Cfr. V. Cathrein, S.J., *Moralphilosophie*, Vol. I, 4th ed., p. 286.

15 Cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 7, art. 1: "*Dicitur in localibus aliquid circumstare, quod est quidem extrinsecum a re, tamen attingit ipsam, vel appropinquat ei secundum locum. Et ideo quaecumque conditiones sunt extra substantiam actûs et tamen attingunt aliquo modo actum humanum, circumstantiae dicuntur. Quod autem est extra substantiam rei, ad rem ipsam pertinens, accidens eius dicitur. Unde circumstantiae accidentia eorum dicendae sunt.*" Cfr. *ibid.*, qu. 18, art. 3, 10, 11.—Sweens, *Theol. Mor. Fundament.*, pp. 106 sqq.

16 *Conc. Trident.*, Sess. XIV, *de Poenit.*, c. 5 and canon 7; *Catechismus Romanus*, P. II, c. 5, qu. 47.

cumstances as the interior disposition or intention of the agent manifesting itself in and through the circumstances, that furnishes the criterion for determining the moral character of an act.

A modern writer on ethics somewhat paradoxically says: "It depends on time, place, and circumstances whether a virtue is a vice, or a vice, a virtue." This dictum is not true except in the limited sense explained above.[17]

The circumstances that augment or lessen the malice of an evil action (*circumstantiae aggravantes vel minuentes peccatum*) are enumerated in the following hexameters by a medieval writer:[18]

> *"Aggravat ordo, locus peccata, scientia, tempus,*
> *Aetas, conditio, numerus, mora, copia, causa,*
> *Et modus in culpa, status altus, lucta pusilla."*[18]

The circumstances that alter the moral species of an act may be variously classified.

There are

(1) Circumstances which render an act a transgression of more than one commandment or duty, *e. g.*, when a man kills his parents or commits fornication with a married woman;

(2) Circumstances by which a sinful act becomes a source of injury to others, as, *e. g.*, when scandal is given;

(3) Circumstances in which the matter of the

17 Matth. VI, 1 sqq.; Luke X, 30 sqq.; XVIII, 9 sqq.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 7, art. 3.

18 Frater Conrad of Saxony, d. 1279. Cfr. A. Franz, *Drei deutsche Minoritenprediger*, Freiburg 1907, p. 30.

sin committed (where such matter is divisible) ceases to be *materia parva* and becomes *materia magna,* as when one eats several ounces of meat on a day of abstinence, or steals, say, thirty-five dollars.[19]

(4) Another specific difference arises from the circumstance that an act which might have been externalized remains immanent, and therefore incomplete.

(5) Finally, the circumstance that an evil action was committed more than once furnishes a criterion (though not an infallible one) for classifying it as a sin of malice. It is for this psychological as much as for juridical considerations that the Church requires penitents to mention the number of their grievous sins in confession.

For determining the number or the numerical (in contradistinction to specific) distinction of moral acts, theologians give the following rules:

a) The determining factor of an individual act is the last stage which it reaches in the process of realization. The natural preliminaries (introduction, preparation, etc.), the intermediary stages, and the ordinary means or instruments used in attaining the final end, are always presumed. Thus if one has burglarized a house he need not mention the circumstance that he employed a ladder to climb through the window. In this and similar cases a whole series of distinct acts is regarded as morally

19 This is the amount put down in the latest editions of Sabetti as *materia absolute gravis.* (*Compendium Theol. Mor.,* ed. 22a, New York 1915, p. 341).

one (*actus numero unus*), provided, of course, the introductory and preparatory acts stand in their natural relation to the main act. When this is not the case, and if such acts have a malice of their own, the circumstances must be separately enumerated, as when a man drinks to excess in order to commit fornication.

b) Acts belonging to the same moral species are reckoned as separate and distinct if they were far enough apart in time to render it possible and necessary for the agent to make a new decision of the will. A series of actions may be interrupted either voluntarily, *e. g.*, by express or silent retraction, contrition; or involuntarily, *e. g.*, by a considerable interval of time, inadvertence, sleep, etc.

c) Sins are multiplied according to the numerical distinction of those affected by them. Thus, if you have told a lie in a grave matter, it is necessary to state how many persons were deceived or injured by it; if you gave scandal, to how many, and so forth.

READINGS.—Ths. Slater, S.J., *A Manual of Moral Theology,* Vol. I, pp. 41 sqq.—St. Thomas, *Summa Theol.,* 1a 2ae, qu. 18 sqq. —Jos. Rickaby, S.J., *Moral Philosophy,* pp. 31 sqq.—J. Ernst, *Ueber die Notwendigkeit der guten Meinung,* pp. 244 sqq.—J. F. Delany in the *Catholic Encyclopedia,* Vol. VIII, pp. 69 sq.—A. Sweens, *Theologia Moralis Fundamentalis,* 2nd ed., pp. 84 sqq.

SECTION 4

MORAL HABITS

1. Definition.—Good and evil may be viewed not only as individual and transient acts (*actus*), but also as permanent habits (*habitus*).

A habit is "a quality difficult to change, whereby an agent, whose nature it was to work one way or another indeterminately, is disposed easily and readily at will to follow this or that particular line of action." [1]

Fr. Rickaby explains the difference between (1) habit and disposition, and (2) habit and faculty thus: "Habit differs from disposition, as disposition is a quality easily changed. Thus one in a good humor is in a disposition to be kind. Habit is a part of character: disposition is a passing fit. Again, habit differs from faculty or power: as power enables one to act; but habit, presupposing power, renders action easy and expeditious, and reliable to come at call. We have a power to move our limbs, but a habit to walk or ride or swim. Habit then is the determinant of

[1] Jos. Rickaby, S.J., *Moral Philosophy*, p. 64.

power. One and the same power works well or ill, but not one and the same habit."[2]

Habits are either infused or acquired.

a) An infused habit (*habitus infusus*) is born in or with the subject or communicated to it from outside. According to its nature, such a habit disposes the subject for good or bad.

b) An acquired habit (*habitus acquisitus*), as the name indicates, is the result of repeated acts. But here arises a difficulty: "If the habit comes from acts, and the acts from the habit, how is the habit originally acquired?" This question is answered by Fr. Rickaby as follows: "There are two ways in which one thing may come from another. It may come in point of its very existence, as child from parent; or in point of some mode of existence, as scholar from master. A habit has its very existence from acts preceding; but those acts have their existence independent of habit. The acts which are elicited after the habit is formed, owe to the habit, not their existence, but the mode of their existence: that is to say, because of the habit the acts are now formed readily, reliably, and artistically, or virtuously. The primitive acts which gradually engendered the habit, were done with difficulty, fitfully, and with many failures,—more by good luck than good management, if it was a matter of skill, and by a

2 *Ibid.*

special effort rather than as a thing of course, where it was question of moral well-doing." [3]

2. VIRTUES.—Not only should man perform good deeds now and then;—he should be habitually good and advance constantly on the path of virtue.[4] Once a good habit has become firmly rooted in the soul, it is called a virtue. A virtue (*virtus*) may therefore be defined as a habit that a man has got of doing moral good, or doing that which befits his rational nature to do.[5] In the last analysis all virtues are identical with charity, *i. e.*, conformity of the human with the divine will.[6] According to the order to which a virtue belongs it is called natural or supernatural.

a) The moral virtues regulate man's relation

3 *Op. cit.*, pp. 66 sq.

4 Cfr. Ps. LXXXIII, 8; Phil. III, 12–14; 1 Thess. IV, 1; 1 Pet. II, 2. —*Conc. Trident.*, Sess. VI, c. 10.—St. Bernard, *Epist.*, 254, n. 2: *"Vera virtus finem nescit, tempore non clauditur. . . . Nunquam iustus arbitratur se comprehendisse, nunquam dicit: Satis est; sed semper esurit sititque iustitiam, ita ut, si semper viveret, semper quantum in se est, iustior esse contenderet, semper de bono in melius proficere totis viribus conaretur."—Ibid.*, n. 4: *"Quod si studere perfectioni esse perfectum est, profecto nolle proficere deficere est."* (Migne, *P. L.*, CLXXXII, 460).—Thomas à Kempis, *De Imitat. Christi*, l. I, c. 3: *"Quis habet fortius certamen quam qui nititur vincere se ipsum? Et hoc deberet esse negotium nostrum, vincere scilicet se ipsum; et quotidie se ipso fortiorem fieri atque in melius aliquid proficere."* (Ed. Pohl, II, 10).

5 Cfr. St. Augustine, *De Moribus Ecclesiae*, I, c. 6, n. 8: *"Non placet vocare virtutem nisi habitum ipsum et quasi sapientis animae qualitatem."* (Migne, *P. L.*, XXXII, 1314).—IDEM, *De Lib. Arbitr.*, II, c. 18–19 (*P. L.*, XXXII, 1266–1269). —St. Thomas, *Summa Theol.*, 1a 2ae, qu. 55, art. 4: *"Virtus est bona qualitas mentis, quâ recte vivitur, quâ nullus male utitur."—Ibid.*, qu. 58, n. 3: *"Virtus humana est quidam habitus perficiens hominem ad bene operandum."*

6 Cfr. Matth. XXII, 36–40; Rom. XIII, 10; 1 Tim. I, 5; 1 John V, 3.—Cfr. St. Augustine, *Enchiridion*, c. 121, n. 32: *"Omnia praecepta divina referuntur ad caritatem, de qua dicit Apostolus: 'Finis autem praecepti est caritas,' etc. . . . Omnis itaque praecepti finis est caritas, id est, ad caritatem refertur omne*

to the created world. They are principally four: prudence, justice, fortitude, and temperance. These are often called the *cardinal virtues.* Their enumeration, as Fr. Rickaby has pointed out, "is a piece of Greek philosophy that has found its way into the catechism. Prudence, justice, fortitude, and temperance are mentioned by Plato as recognized heads of virtue. They are recognized, though less clearly, by Xenophon, reporting the conversations of Socrates. It does not look as though Socrates invented the division: he seems to have received it from an earlier source, possibly Pythagoras." [7]

All the moral virtues,—the four cardinal virtues just enumerated, and others derived from them,—may be either infused or acquired, natural or supernatural. In the soul of a Christian, of course, they are supernatural because their final end and purpose is supernatural. St. Thomas says: "The moral virtues, as they are operative in man to an end which does not exceed the natural fac-

praeceptum. Quod vero ita fit vel timore poenae vel aliquâ intentione carnali, ut non referatur ad illam caritatem, quam diffundit Spiritus sanctus in cordibus nostris, nondum fit, quemadmodum fieri oportet, quamvis fieri videatur. Caritas quippe ista Dei et proximi, et utique in 'his duobus praeceptis tota lex pendet et prophetae.' (Matth. XXII, 40). *Adde Evangelium, adde Apostolos: non enim aliunde vox ista est, 'finis praecepti est caritas' et 'Deus caritas est.'"* (Migne, *P. L.*, XL, 288).—Idem, *De Moribus Ecclesiae*, I, c. 15, n. 25: *"Quodsi virtus ad beatam vitam nos ducit, nihil omnino esse virtutem affirmaverim, nisi summum amorem Dei."* (*P. L.*, XXXII, 1322).—Idem, *De Gratia Christi*, I, c. 26, n. 27: *"Ubi non est dilectio, nullum bonum opus imputatur nec recte bonum opus vocatur, quia omne, quod non ex fide est, peccatum est, et fides per dilectionem operatur."* (*P. L.*, XLIV, 374).

[7] Jos. Rickaby, S.J., *Moral Philosophy*, p. 84 sq.

ulty of man, may be acquired by human acts; and so acquired, they may be without charity, as they have been in many pagans. But as they are operative of good in order to a supernatural last end, thus considered, they have the perfect and true character of virtue, and cannot be acquired by human acts, but are infused by God; and such moral virtues cannot be without charity." [8]

b) Faith, hope, and charity are called theological or divine virtues (*virtutes theologicae sive divinae*) because they have God for their material as well as formal object. All three are essentially supernatural. Faith furnishes certain supernatural principles, which the intellect perceives by a divine light. Hope directs man to his supernatural end. Charity unites the will with God. Charity is superior to faith and hope for two reasons.[9] First, though its object does not differ from that of the other two virtues, charity

[8] St. Thomas, *Summa Theol.*, 1a 2ae, qu. 65, art. 2: "*Virtutes morales, prout sunt operativae boni in ordine ad finem, qui non excedit facultatem naturalem hominis, possunt per opera humana acquiri, et sic acquisitae sine caritate esse possunt, sicut fuerunt in multis gentilibus. Secundum autem quod sunt operativae boni in ordine ad ultimum finem supernaturalem, sic perfecte et vere habent rationem virtutis et non possunt humanis actibus acquiri, sed infunduntur a Deo; et huiusmodi virtutes morales sine caritate esse non possunt.*"—Cfr. Jos. Rickaby, S.J., *Aquinas Ethicus*, Vol. I, pp. 194 sq.

[9] Rom. XIII, 10: Πλήρωμα νόμου ἡ ἀγάπη.—1 Cor. XIII, 13: Νυνὶ δὲ μένει πίστις, ἐλπίς, ἀγάπη: τὰ τρία ταῦτα: μείζων δὲ τούτων ἡ ἀγάπη.—Col. III, 14: Ἐπὶ πᾶσιν δὲ τούτοις τὴν ἀγάπην, ὅ ἐστιν σύνδεσμος τῆς τελειότητος.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 62, art. 3: "*Oportuit quod quantum ad utrumque aliquid homini supernaturaliter adderetur ad ordinandum ipsum in finem supernaturalem. Et primo quidem, quantum ad intellectum adduntur homini quaedam principia supernaturalia, quae divino lumine capiuntur, et haec sunt credibilia, de quibus est fides. Secundo vero est voluntas, quae ordinatur in illum finem et quantum ad motum intentionis in ipsum tendentem, sicut in id, quod est possibile consequi,*

alone enables the soul actually to attain that object.[10] Second, charity endures, whereas faith is changed into vision and hope into possession.[11] There is still another difference between charity and the other two theological virtues:—whilst faith and hope as truly supernatural virtues can exist without charity (though, of course, only in an imperfect way), charity is destroyed by grievous sin.[12]

3. The Gifts of the Holy Ghost.—The so-

quod pertinet ad spem; et quantum ad unionem quandam spiritualem, per quam quodammodo transformatur in illum finem, quod fit per caritatem." St. Bonaventure, *Brevil.*, P. 5, c. 4: "*Sicut imago creationis consistit in trinitate potentiarum cum unitate essentiae, sic imago recreationis consistit in trinitate habituum cum unitate gratiae, per quos anima fertur recte in summam Trinitatem secundum tria appropriata tribus personis, ita quod fides dirigit in summum verum credendo et assentiendo, spes in summe arduum imitando et exspectando, caritas in summe bonum desiderando et diligendo.*" (Ed. 2, Vicetia, 340).

10 St. Thomas, *Summa Theol.*, 1a 2ae, qu. 66, art. 6: "*Magnitudo virtutis secundum suam speciem consideratur ex obiecto. Quum autem tres virtutes theologicae respiciant Deum sicut proprium obiectum, non potest una earum dici maior altera ex hoc quod sit circa maius obiectum, sed ex eo, quod una se habeat propinquius ad obiectum quam alia. Et hoc modo caritas est maior aliis. Nam aliae important in sui ratione quandam distantiam ab obiecto, est enim fides de non visis, spes autem de non habitis, sed amor caritatis est de eo quod iam habetur; est enim amatum quodammodo in amante, et etiam amans per affectum trahitur ad unionem amati, propter quod dicitur (1 Ioa. 4, 16): Qui manet in caritate, in Deo manet, et Deus in eo.*"—Cfr. *Summa Theol.*, 2a 2ae, q. 23, art. 6 and 8.

11 1 Cor. XIII, 8: Ἡ ἀγάπη οὐδέποτε ἐκπίπτει.—Cfr. Saint Thomas, *Summa Theol.*, 1a 2ae, qu. 67, art. 3–6: "*Impossibile est, quod fides maneat simul cum beatitudine in eodem subiecto. . . . Beati vident id, quod est obiectum spei, scilicet Deum. Ergo non sperant* (Rom. 8, 24). . . . *Et ideo, quando habetur id, quod speratur, scilicet divina fruitio, iam spes esse non poterit. . . . Caritas non evacuatur per gloriae perfectionem, sed eadem numero manet.*"

12 1 Cor. XIII, 2; Jas. II, 14.—*Conc. Trid.*, Sess. VI, cap. 15 and can. 28: "*Si quis dixerit amissa per peccatum gratia simul et fidem semper amitti, aut fidem, quae remanet, non esse veram fidem, licet non sit viva, aut eum, qui fidem sine caritate habet, non esse Christianum; anathema sit.*"—Cfr. *Prop. damn. ab*

called gifts of the Holy Ghost rank below the theological virtues. Aside from the charismata, with which we are not concerned, there are seven such gifts, *viz.:* wisdom, understanding, counsel, fortitude, knowledge, piety (godliness), and fear of the Lord.

How do these gifts differ from the moral virtues? They are evidently superior to them. Canon Forget says on this subject:

"Some writers think they are not really distinct from them, that they are the virtues inasmuch as the latter are free gifts of God and that they are identified essentially with grace, charity, and the virtues. That opinion has the particular merit of avoiding a multiplication of the entities infused into the soul. Other writers look upon the gifts as perfections of a higher order than the virtues; the latter, they say, dispose us to follow the impulse and guidance of reason; the former are functionally intended to render the will obedient and docile to the inspirations of the Holy Ghost." [18]

The latter is the opinion held by St. Thomas. The student will find it more fully developed in

Alex. VIII. (7 Dec., 1690), n. 12: *"Quando in magnis peccatoribus deficit omnis amor, deficit etiam fides, et etiamsi videantur credere, non est fides divina, sed humana."* (Denzinger-Bannwart, n. 1169).—*Prop. damn. Quesnelli*, n. 57–58: *"Totum deest peccatori, quando ei deest spes; et non est spes in Deo, ubi non est amor Dei. Nec Deus est nec religio, ubi non est caritas"* (*ibid.*, n. 1272–1273).—St. Thomas, 1a 2ae, qu. 65, art. 4: *"Fides et spes, sicut et virtutes morales dupliciter considerari possunt: uno modo secundum inchoationem quandam, alio modo secundum perfectum esse virtutis. . . . Sic igitur fides et spes sine caritate possunt quidem aliqualiter esse, perfectae autem virtutis rationem sine caritate non habent."*

18 J. Forget in the *Cath. Encyclopedia*, Vol. VII, p. 413.

Forget's treatise *De l'Habitation du Saint-Esprit dans les Âmes Justes.*

4. The Beatitudes.—Particular good acts springing from the virtues or gifts of the Holy Ghost are, *e. g.*, those enumerated in the eight *Beatitudes,* or solemn blessings, which mark the opening of Christ's first sermon (the so-called Sermon on the Mount) in the Gospel of St. Matthew.[14] As Father Van Kasteren has pointed out,[15] the peculiar form in which Our Lord proposed these blessings makes them, perhaps, the only example of His sayings that may be styled poetical. There is indeed an unmistakable parallelism of thought and expression running through the whole passage:

Blessed are the poor in spirit: for theirs is the kingdom of heaven.

Blessed are the meek: for they shall possess the land.

Blessed are they that mourn: for they shall be comforted.

Blessed are they that hunger and thirst after justice: for they shall have their fill.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the clean of heart: for they shall see God.

Blessed are the peacemakers: for they shall be called the children of God.

Blessed are they that suffer persecution for justice' sake: for theirs is the kingdom of heaven.

14 Matth. V, 3–10; cfr. Luke VI, 20 sqq.

15 *Catholic Encyclopedia,* Vol. II, p. 371.

5. THE "FRUITS OF THE HOLY GHOST."—As effects of a virtuous life St. Paul mentions twelve supernatural works that are done joyfully and with peace of soul: Charity, joy, peace, patience, benignity, goodness, longanimity, mildness, faith, modesty, continence, chastity. These so-called fruits of the Holy Ghost are acts, not habits, and should not be confounded with the virtues or the gifts of the Holy Ghost. Opposed to them are the "works of the flesh." [16]

READINGS.—On the moral habits and virtues in general cfr. St. Thomas, *Summa Theol.*, 1a 2ae, qu. 49-70.—St. Bonaventure, *Breviloquium (ed. Vicetia,* Freiburg 1881), P. I, c. 4-6.—S. Schiffini, S.J., *Tractatus de Virtutibus Infusis,* Freiburg 1904, pp. 1 sqq.—L. Billot, S.J., *De Virtutibus Infusis,* Vol. I, 2nd ed., Rome 1905.—Jos. Rickaby, S.J., *Moral Philosophy,* pp. 64 sqq.—M. Cronin, *The Science of Ethics,* Vol. I, pp. 559 sqq.—A. Tanquerey, S.S., *Synopsis Theologiae Moralis,* Vol. II, pp. 321 sqq., Tournai 1905.

On the Gifts of the Holy Ghost: St. Thomas, *Summa Theol.*, 1a 2ae, qu. 68.—St. Bonaventure, *Breviloquium,* P. V, c. 5.—C. Weiss, *S. Thomae Aquinatis de Septem Donis S. Spiritus Doctrina,* Vienna 1895.—M. Meschler, S.J., *Die Gabe des hl. Pfingstfestes,* 6th ed., Freiburg 1909.—J. Forget in the *Catholic Encyclopedia,* Vol. VII, pp. 413 sq.—IDEM, *De l'Habitation du Saint-*

16 Gal. V, 17 sqq.; Apoc. XXII, 2.—St. Thomas, *Summa Theol.*, 1a 2ae, qu. 70.—St. Bonaventure, *Breviloquium,* P. V, c. 6: "*Quâ pace adeptâ necessario sequitur superabundans delectatio spiritualis, quae in duodenario fructuum Spiritus continetur, ad insinuandam superabundantiam delectationum. Est enim duodenarius numerus abundans, in quo insinuatur spiritualium charismatum exuberantia, quibus fruitur et delectatur anima sancta. . . . Habitus virtutum ad exercitium principaliter disponunt activae, habitus vero donorum ad actum contemplativae, habitus autem beatitudinum ad perfectionem utriusque. Fructus vero Spiritus, qui sunt 'caritas, gaudium, pax, patientia, longanimitas, bonitas, benignitas, mansuetudo, fides, modestia, continentia, castitas'* (Gal. V, 22-23), *dicunt delectationes consequentes opera perfecta.*"

Esprit dans les Âmes Justes, Paris 1900, pp. 378 sqq.—Bellevüe, *L'Oeuvre du Saint-Esprit*, Paris 1902, pp. 99 sqq.

On the Beatitudes: St. Thomas, *Summa Theol.*, 1a 2ae, qu. 69. —St. Bonaventure, *Breviloquium*, P. V, c. 6.—J. P. Van Kasteren, S.J., in the *Catholic Encyclopedia*, Vol. II, pp. 371 sq.—Hy. Daniel, in the Catholic *Fortnightly Review*, St. Louis, Vol. XXIV (1917), No. 23.

On the Fruits of the Holy Ghost: St. Thomas, *Summa Theol.*, 1a 2ae, qu. 70.—St. Bonaventure, *Breviloquium*, P. V, c. 6.—J. Forget in the *Catholic Encyclopedia*, Vol. VII, pp. 414 sq.

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